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ABSTRACT

This document consists of three separate booklets designed to educate the public and users about the Occupational Safety and Health Administration (OSHA). The 54-page "All about OSHA" is intended to provide a nonexhaustive overview of OSHA services. The following topics are discussed: the need for occupational safety and health legislation; OSHA's purpose; the Occupational Safety and Health Act's provisions regarding federal employees and state/local governments; standards (sources of copies, standards development, standards adoption, emergency temporary standards, appeals of standards, variances, public petitions); recordkeeping/reporting (injury and illness records and recordkeeping variances); employer responsibilities for keeping employees informed; workplace inspection (authority to inspect, inspection priorities, inspection process); citations and penalties; the appeals process (appeals by employees and employers); OSHA-approved state programs; services available (consultation assistance, voluntary protection programs, training and education); employer and employee responsibilities and rights; ways of keeping up to date on OSHA; states with approved plans; and lists of OSHA consultation projects and area offices. "OSHA Inspections" is a 24-page booklet explaining the OSHA inspection process, steps in preparing for an OSHA inspection, and how to appeal inspection results. The third document is "How to Prepare for Workplace Emergencies," a 16-page booklet detailing the basic steps in handling workplace emergencies and sources of further information about them. (MN)

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ED 407 607

OSHA [Three Booklets]:

All about OSHA
OSHA 2056 (Revised)

OSHA Inspections
OSHA 2098 (Revised)

How to Prepare for Workplace Emergencies
OSHA 3088 (Revised)

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U.S. Department of Labor
Occupational Safety and Health Administration

OSHA 2056
(revised)

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This informational booklet is intended to provide a generic, non-exhaustive overview of a particular standards-related topic. This publication does not itself alter or determine compliance responsibilities, which are set forth in OSHA standards themselves, and the *Occupational Safety and Health Act*. Moreover, because interpretations and enforcement policy may change over time, for additional guidance on OSHA compliance requirements, the reader should consult current administrative interpretations and decisions by the Occupational Safety and Health Review Commission and the courts.

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All About OSHA

U.S. Department of Labor
Robert B. Reich, Secretary

Occupational Safety and Health Administration
Joseph A. Dear, Assistant Secretary

OSHA 2056
1995 (Revised)

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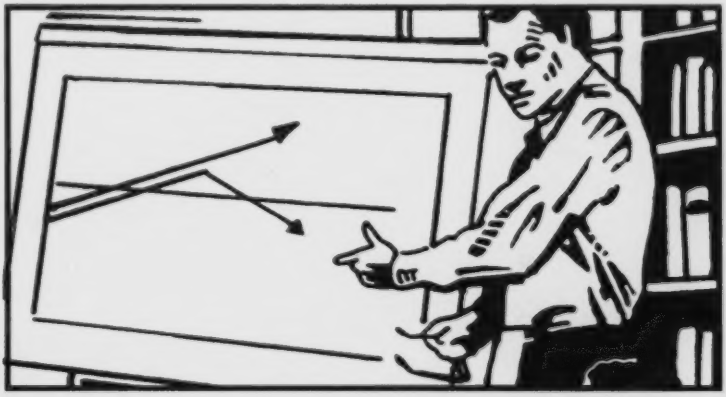
Need for Legislation

More than 90 million Americans spend their days on the job. They are our most valuable national resource. Yet, until 1970, no uniform and comprehensive provisions existed for their protection against workplace safety and health hazards.

In 1970, the Congress considered annual figures such as these:

- Job-related accidents accounted for more than 14,000 worker deaths.
- Nearly 2 1/2 million workers were disabled.
- Ten times as many person-days were lost from job-related disabilities as from strikes.
- Estimated new cases of occupational diseases totaled 300,000.

In terms of lost production and wages, medical expenses and disability compensation, the burden on the nation's commerce was staggering. Human cost was beyond calculation. Therefore, the Occupational Safety and Health Act (OSHAct, Public Law 91-596 as amended by P.L. 101-552, Nov. 5, 1070, 29 USC 651)) of 1970 was passed by a bipartisan Congress "*... to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources.*"



OSHA's Purpose

Under the Act, the Occupational Safety and Health Administration (OSHA) was created within the Department of Labor to:

- Encourage employers and employees to reduce workplace hazards and to implement new or improve existing safety and health programs;
- Provide for research in occupational safety and health to develop innovative ways of dealing with occupational safety and health problems;
- Establish "separate but dependent responsibilities and rights" for employers and employees for the achievement of better safety and health conditions;
- Maintain a reporting and recordkeeping system to monitor job-related injuries and illnesses;
- Establish training programs to increase the number and competence of occupational safety and health personnel;
- Develop mandatory job safety and health standards and enforce them effectively; and
- Provide for the development, analysis, evaluation and approval of state occupational safety and health programs.

While OSHA continually reviews and redefines specific standards and practices, its basic purposes remain constant. OSHA strives to implement its mandate fully and firmly with fairness to all concerned. In all its procedures, from standards development through implementation and enforcement, OSHA guarantees employers and employees the right to be fully informed, to participate actively, and to appeal actions.

The Act's Coverage

In general, coverage of the Act extends to all employers and their employees in the 50 states, the District of Columbia, Puerto Rico, and all other territories under Federal Government jurisdiction. Coverage is provided either directly by federal OSHA or through an OSHA-approved state program (see section on OSHA- Approved State Programs).

As defined by the Act, an employer is any "person engaged in a business affecting commerce who has employees, but does not include the United State or any State or political subdivision of a State." Therefore, the Act applies to employers and employees in such varied fields as manufacturing, construction, longshoring, agriculture, law and medicine, charity and disaster relief, organized labor, and private education. Such coverage includes religious groups to the extent that they employ workers for secular purposes.

The following are not covered under the Act:

- Self-employed persons;
- Farms at which only immediate members of the farm employer's family are employed; and
- Working conditions regulated by other federal agencies under other federal statutes.

But even when another federal agency is authorized to regulate safety and health working conditions in a particular industry, if it does not do so in specific areas, then OSHA standards apply.

As OSHA develop effective safety and health standards of its own, standards issued under the following laws administered by the Department of Labor are superseded: the Walsh-Healey Act, the Services Contract Act, the Construction Safety Act, the Arts and Humanities Act, and the Longshoremen's and Harbor Workers' Compensation Act.

Provisions for Federal Employees

Under the Act, federal agency heads are responsible for providing safe and healthful working conditions for their employees. An Executive Order requires agencies to comply with standards consistent with these OSHA issues for private sector employers. OSHA conducts federal workplace inspection in response to employees' reports of hazard and as part of a special program

which identities federal workplaces with higher than average rates of injuries and illnesses.

Federal agency heads are required to operate comprehensive occupational safety and health programs that include: recording and analyzing injury/illness data, providing training to all levels of personnel, and conducting self-inspections to ensure compliance with OSHA standards. OSHA conducts comprehensive evaluations of these programs to assess their effectiveness.

OSHA's federal sector authority is different from that in the private sector in several ways. The most significant difference is that OSHA cannot propose monetary penalties against another federal agency for failure to comply with OSHA standards. Instead, compliance issues unresolved at the local level are raised to higher organizational level until resolved. Another significant difference is that OSHA does not have authority to protect federal employee "whistleblower." However, the Whistleblower Protection Act of 1989 affords present and former federal employees (other than U.S. Postal Services and certain intelligence agencies) an opportunity to file their reports of reprisal with the Office of Special Counsel, U.S. Merit Systems Protection Board.

Provisions for State and Local Governments

OSHA provisions do not apply to state and local governments in their role as employers. The Act does provide that any state desiring to gain OSHA approval for its private sector occupational safety and health program (see section on State Plans) must provide a program that covers its state and local government workers and that is at least as effective as its program for private

employees. State plans may also cover only public sector employees.

Standards

In carrying out its duties, OSHA is responsible for promulgating legally enforceable standards. OSHA standards may requires conditions, or the adoption or use of one or more practices, means, methods or processes reasonably necessary and appropriate to protect workers on the job. It is the responsibility of employers to become familiar with standards applicable to their establishments and to ensure that employees have and use personal protective equipment when required for safety.

Employees must comply with all rules and regulations which are applicable to their own actions and conduct.

Where OSHA has not promulgated specific standards, employers are responsible for following the Act's general duty clause.

The general duty clause of the Act states that each employer "shall furnish... a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees."

State with OSHA-approved occupational safety and health programs must set standards that are at least as effective as the federal standards. Many state plan states adopt standards identical to the federal.

Where to Get Copies of Standards

OSHA standards fall into four major categories-General Industry, Maritime, Construction, and Agriculture.

The superintendent of Documents , U.S. Government Printing Office (GPO), Washington D.C. or local offices have available for purchase standards relating to the above categories. The standards are available in hard copy or on a CD-ROM. The telephone number for the Washington D.C., GPO is 202-512-1800.

The *Federal Register* is one of the best sources of information on standards, since all OSHA standards are published there when adopted, as are all amendments, corrections,insertions or deletions. The *Federal Register* is available in many public libraries. Annual subscriptions are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. For the current price, contact GPO.

Each year, the Office of the *Federal Register* publishes all current regulations and standards in the *Code of Federal Regulations* (CFR), available at many libraries and from the Government Printing Office. OSHA's regulations are collected in Title 29 of the CFR, Part 1900-1999.

For more information on how to obtain OSHA regulations, a tear-out order form is provided for your convenience at the end of this booklet. For information on OSHA publications and other informational materials contact the U.S. Department of Labor OSHA Publications, P.O. Box 37535, Washington, DC 20013-7535, (202) 219-4667 or (202) 219-9266 (Fax).

Since states adopt and enforce their own standards under state law, copies of state standards under state laws, copies of state standards may be obtained from the individual states (see list of state plan states and addresses).

Standards Development

OSHA can begin standards-setting procedures on its own initiative, or in response to petitions from other parties, including the Secretary of Health and Human Services (HHS); the National Institute for Occupational safety and Health (NIOSH); state and local governments; and nationally-recognized standards-producing organization, employer or labor representatives; or any other interested person.

Advisory Committees

If OSHA determines that a specific standard is needed, any of several advisory committees may be called upon to develop specific recommendations. There are two standing committees, and ad hoc committees may be appointed to examine special areas of concern to OSHA. All advisory committees, standing or ad hoc, must have members representing management, labor and state agencies, as well as one or more designees of the Secretary of

HHS. The occupational safety and health professions and the general public also may be represented. The two standing advisory committees are:

- National Advisory Committee on Occupational Safety and Health (NACOSH), which advises, consults with, and makes recommendations to the Secretary of HHS and to the Secretary of Labor on matters regarding administration of the Act.
- Advisory Committee on Construction Safety and Health, which advises the Secretary of Labor on formulation of construction safety and health standards and other regulations.

NIOSH Recommendations

Recommendations for standards also may come from NIOSH, established by the Act as an agency of the Department of HHS.

NIOSH conducts research on various safety and health problems, provides technical assistance to OSHA and recommends standards for OSHA's adoption. While conducting its research, NIOSH may make workplace investigations, gather testimony from employers and employees and require that employers measure and report employee exposure to potentially hazardous materials. NIOSH also may require employers to provide medical examinations and test to determine the incidence of occupational illness among employees. When such examinations and tests are required by NIOSH for research purposes, they may be paid for by NIOSH rather than the employer.

Standards Adoption

Once OSHA has developed plans to propose, amend, or revoke a standard, it publishes these intentions in the *Federal Register* as a "Notice of Proposed Rulemaking," or often as an earlier "Advance Notice of Proposed Rulemaking."

An "Advance Notice" is used, when necessary, to solicit information that can be used in drafting a proposal. The Notice of Proposed Rulemaking will include the terms of the new rule and provide a specific time (at least 30 days from the date of publication, usually 60 days or more) for the public to respond.

Interested parties who submit written arguments and pertinent evidence may request a public hearing on the proposal when none has been announced in the notice. When such a hearing is requested, OSHA will schedule one, and will publish, in advance, the time and place for it in the *Federal Register*.

After the close of the comment period and public hearing, if one is held, OSHA must publish in the *Federal Register* the full, final text of any standard amended or adopted and the date it becomes effective, along with an explanation of the standard and the reasons for implementing it. OSHA may also publish a determination that no standard or amendment needs to be issued.

Emergency Temporary Standards

Under certain limited conditions, OSHA is authorized to set emergency temporary standards that take effect immediately and are in effect until superseded by a permanent standard. OSHA must determine that workers are in grave danger due to exposure to toxic substances or agents determined to be toxic or physically harmful or to new hazards and that an emergency standard is needed to protect them. Then, OSHA publishes the emergency temporary standard in the *Federal Register*, where it also serves as a proposed permanent standard. It is then subject to the usual procedure for adopting a permanent standard except that a final ruling should be made within six months. The validity of an emergency temporary standard may be challenged in an appropriate U.S. Court of Appeals.

Appealing a Standard

No decision on a permanent standard is ever reached without due consideration of the arguments and data received from the public in written submissions and at hearings. Any person who may be adversely affected by a final or emergency standard, however, may file a petition (within 60 days of the rule's promulgation) for judicial review of the standard with the U.S. Court of Appeals for the circuit in which the objector lives or has his or her principal place of business. Filing an appeals petition, however, will not delay the enforcement of a standard, unless the Court of appeals specifically orders it.

Variances

Employers may ask OSHA for a variance from a standard or regulation if they cannot fully comply by the effective date, due to shortages of materials, equipment or professional or technical personnel, or can prove their facilities or methods of operation provide employee protection "at least as effective" as that required by OSHA.

Employers located in states with their own occupational safety and health programs should apply to the state for a variance. If however, an employer operates facilities in states under federal OSHA jurisdiction and also in state plan states, the employer may apply directly to federal OSHA for a single variance applicable to all the establishments in question. OSHA will then work with the state plan states involved to determine if a variance can be granted which will satisfy state as well as federal OSHA requirements.

Temporary Variance

A temporary variance may be granted to an employer who cannot comply with a standard or regulation by its effective date due to unavailability of professional or technical personnel, material or equipment, or because the necessary construction or alteration of facilities cannot be completed in time.

Employers must apply for the variance within a reasonable amount of time prior to the effective date and must demonstrate to OSHA that they are taking all available steps to safeguard employees in the meantime, and that the employer has put in force an effective program for coming into compliance with the standard or regulation as quickly as possible.

A temporary variance may be granted for the period needed to achieve compliance or for one year, whichever is shorter. It is renewable twice, each time for a maximum of six months. An application for a temporary variance must identify the standard or portion of a standard from which the variance is requested and the reasons why the standard. The employer must document those measures already taken and to be taken (including dates) to comply with the standard.

The employer must certify that workers have been informed of the variance application, that a copy has been given to the employees' authorized representative, and that a summary of the application has been posted wherever notices are normally posted. Em-

ployees also must be informed that they have the right to request a hearing on the application.

The temporary variance will not be granted to an employer who simply cannot afford to pay for the necessary alterations, equipment, or personnel, or who made no attempt to comply with the requirements within a reasonable amount of time prior to its effective date of the standard or regulation.

Permanent Variance

A permanent variance (alternative to a particular requirement or standard) may be granted to employers who prove their condition, practices, means, methods, operation, or processes provide a safe and healthful workplace as effectively as would compliance with the standard.

In making a determination, OSHA weighs the employer's evidence and arranges a variance inspection and hearing where appropriate. If OSHA finds the request valid, it prescribes a permanent variance detailing the employer's specific exceptions and responsibilities under the ruling.

When applying for a permanent variance, the employer must inform employer must inform employees of the application and of their right to request a hearing. Anytime after six months from the issuance of a permanent variance, the employer or employees may petition OSHA to modify or revoke it. OSHA also may do this of its own accord.

Interim Order

So that employers may continue to operate under existing conditions until a variance decision is made, they may apply to OSHA for an interim order. Application for an interim order may be made either at the same time as, or after, application for a variance. Reasons why the order should be granted may be included in the interim order application.

If OSHA denies the request, the employer is notified of the reason for denial.

If the interim order is granted, the employer and other concerned parties are informed of the order, and the terms of the order are published in the *Federal Register* (see p. 5 on how to obtain the *Federal Register*). The employer must inform employees of the order by giving a copy of the authorized employee representative and by posting a copy of wherever notices are normally posted.

Experimental Variance

If an employer is participating in an experiment to demonstrate or validate new job safety and health techniques, and that experiment has been approved by either the Secretary of Labor or the Secretary of HHS, a variance may be granted to permit the experiment.

Other

In addition to temporary, permanent, and experimental variances, the Secretary of Labor also may find certain variance justified when the national defense is impaired. For further information and assistance in applying for a variance, contact the nearest OSHA office.

Variances are not retroactive. An employer who has been cited for a standards violation may not seek relief from that citation by applying for a variance. The fact that a citations is outstanding, however, does not prevent an employer from filing a variance application.

Public Petitions

OSHA continually reviews its standards to keep pace with developing and changing industrial technology. Therefore, employers and employees should be aware that, just as they may petition OSHA for the development of standards, they also may petition OSHA for modification or revocation of standards.

Recordkeeping and Reporting

Before the Act became effective, no centralized and systematic method existed for monitoring occupational safety and health problems

Statistics on job injuries and illnesses were collected by some states and by some private organizations; national figures were based on not-altogether-reliable projections. With OSHA came the first basis for consistent, nationwide procedures- a vital requirement for gauging problems and solving them.

Employers of 11 or more employees must maintain records of occupational injuries and illnesses as they occur. Employers with 10 or fewer employees are exempt from keeping such records unless they are selected by the Bureau of Labor Statistics (BLS) to participate in the Annual Survey of Occupational Injuries and Illnesses. The purposes of keeping records are to permit BLS survey material to be complied, to help define high hazard industries, and to inform employees of the status of their employer's record. Employers in state plan states are required to keep the same records as employers in other states.

OSHA recordkeeping is not required for all employers in retail trade, finance, insurance, real estate, and service industries-Standard Industrial Classification (SIC) 52-89 (except building materials and garden supplies, SIC 52; general merchandise and food stores, SIC 53 and 54, hotels and other lodging places, SIC 70, repair services, SIC 75 and 76; amusement and recreation services, SIC 79; and health services, SIC 80). A few regularly exempt employers will have to maintain records if they are selected to participate in the Annual Survey of Occupational Injuries and Illnesses. They will be notified in advance and supplied with the necessary forms and instructions. Exempt employers, like nonexempt employers, must comply with OSHA poster, and report to OSHA within 48 hours any accident that results in one or more fatalities or the hospitalization of five or more employees.

What is considered to be an occupational injury or illness? An occupational injury is any injury such as a cut, fracture, sprain or amputation that results from a work-related accident or from exposure involving a single incident in the work environment. An occupational illness is any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to environmental factors associated with employment. Included are acute and chronic illnesses or diseases which may be caused by

inhalation, absorption, ingestion or direct contact with toxic substances or harmful agents.

All occupational illnesses must be recorded regardless of severity. All occupational injuries must be recorded if they result in:

- Death (must be recorded regardless of the length of time between the injury and death);
- One or more lost workdays;
- Restriction of work or motion;
- Loss of consciousness;
- Transfer to another job; or
- Medical treatment (other than first aid).

If an on-the-job accident occurs which results in the death of an employee or in the hospitalization of five or more employees, all employers, regardless of number of employees, must report the accident, in detail, to the nearest OSHA office with 48 hours.

In states with approved plans, employers report such accidents to the state agency responsible for safety and health programs.

Injury and Illness Records

Employers must keep injury and illness records for each establishment. An establishment is defined as a "single physical location where business is conducted or where services are performed." An employer whose employees work in dispersed locations must keep records at the place where the employees report for work. In some situations, employees do not report to work at the same place each day. In that case, records must be kept at the place from which they are paid or at the base from which they operate.

Recordkeeping Forms

Recordkeeping forms are maintained on a calendar year basis. They are not sent to OSHA or any other agency. They must be maintained for five years at the establishment and must be available for inspection by representatives of OSHA, HHS, BLS or the designated state agency. Only two forms are needed for recordkeeping.

OSHA No. 200, *Log and Summary of Occupational Injuries and Illnesses*: Each recordable occupational injury and illness must be logged on this form within six working days from the time the

employer learns of it. If the log is prepared at a central location by automatic data processing equipment, a copy current to within 45 calendar days must be present at all times in the establishment. A substitute for the OSHA No. 200 is acceptable if it is as detailed, easily readable and understandable as the OSHA No. 200.

OSHA No. 101, *Supplementary Record of Occupational Injuries and Illnesses*. The form OSHA No. 101 contains much more detail about each injury or illness. It also must be completed within six working days from the time the employer learns of the work-related injury or illness. A substitute for the OSHA No. 101 (such as insurance or workers' compensation forms) may be used if it contains all required information.

Annual Survey

Employers selected to participate in the annual statistical survey receive in the mail, soon after the close of the year, form OSHA No. 200S for this purpose. Each employer selected must complete this report, using form No. 200 as the source of information, and return it to BLS. Small business employers (employers with 10 or fewer employees) selected for the survey are notified at the beginning of the year and are supplied with a form OSHA No. 200.

Many specific OSHA standards have additional recordkeeping and reporting requirements.

Posting Requirements

A copy of the totals and information following the fold line of the last page of OSHA No. 200 for the year must be posted at each establishment wherever notices to employees are customarily posted. This copy must be posted no later that February 1, and kept in place until March 1. Even though there were no Injuries or illnesses during the year, zero must be entered on the totals line, and the form posted.;

Recordkeeping Variances

Employers wishing to set up a recordkeeping system different from the one required by OSHA regulations may apply for a recordkeeping variances. Petitions for recordkeeping variances must detail and justify the employer's intended procedures and must be submitted to the regional commissioner of BLS for the area in which the workplace is located. Similarly, in state plan states, only BLS can grant a variance from recordkeeping requirements.

As with applications for variances from standards, and employer filing for a recordkeeping variance must give a copy of the application to the employees' authorized representative. The employer also must post a summary of the application wherever notices are normally posted. Employees have 10 working days to submit to BLS their own written data, views, or arguments.

Keeping Employees Informed

Employers are responsible for keeping employees informed about OSHA and about the various safety and health matters with which they are involved.

Federal OSHA and states with their own occupational safety and health programs require that each employer post certain material at a prominent location in the workplace. These include:

- Job Safety and Health Protection workplace poster (OSHA 2203 or state equivalent) informing employees of their rights and responsibilities under the Act. Besides displaying the workplace poster, the employer must make copies of the Act and copies of relevant OSHA rules and regulations available to employees upon request. Any official edition of the poster is acceptable.
- Summaries of petitions for variances from standards or recordkeeping procedures.
- Copies of all OSHA citation for violations of standards. These must remain posted at or near the location of alleged violations for three days, or until the violations are corrected, whichever is longer.
- Log and Summary of Occupational Injuries and Illnesses (OSHA No. 200). The summary page of the log must be posted no later than February 1, and must remain in place until March 1.

All employees have the right to examine any records kept by their employers regarding exposure to hazardous material, or the results of medical surveillance.

Occasionally, OSHA standards or NIOSH research activities will require an employer to measure and record employee exposure to potentially harmful substances. Employees have the right (in person or through their authorized representative) to be present during the measuring as well as to examine records of the results.

Under these substances-specific requirements, each employee or former employee has the right to see his or her examination records, and must be told by the employer if exposure has exceeded the level set by standards. The employee must also be told what corrective measures are being taken. In addition to having access to records, employees in manufacturing facilities must be provided information about all of the hazardous chemicals in their work areas. Employers are to provide thisinformation by means of labels on containers, material safety data sheets, and training programs.

Workplace Inspection

Authority to Inspect. To enforce its standards, OSHA is authorized under the Act to conduct workplace inspections.

Every establishment covered by the Act is subject to inspection by OSHA compliance safety and health officers, who are chosen for their knowledge and experience in the occupational safety and health field. Compliance officers are vigorously trained in OSHA standards and in recognition of safety and health hazards. Similarly, states with their own occupational safety and health programs conduct inspections using qualified compliance safety and health officers.

Under the Act, "upon presenting appropriate credentials to the owner, operator or agent in charge," an OSHA compliance officer is authorized to:

- "Enter without delay and at reasonable times any factory, plant, establishment, construction site or other areas, workplace, or environment where work is performed by an employee of an employer; and to
- "Inspect and investigate during regular working hours, and at other reasonable times, and within reasonable time limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines apparatus, devices equipment and materials therein, and to question privately any such employer, owner, operator, agent or employee."

Inspections are conducted without advance notice. In fact, alerting an employer in advance of an OSHA inspection can bring a criminal fine of up to $1,000 and/or a six month-jail term.

There are, however, special circumstances under which OSHA may indeed give notice to the employer, but even then, such a notice will be less that 24 hours. These special circumstances include:

- Imminent danger situations which require correction as soon as possible;
- Inspections that must take place after regular business hours, or that require special preparation;
- Cases where notice is required to assure that the employer and employee representative or other personnel will be present; and or

- Situations in which the OSHA area director determines that advance notice would produce a more thorough or effective inspection.

Employers receiving advance notice of an inspection must inform their employees' representative or arrange for OSHA to do so.

If an employer refuses to admit an OSHA compliance officer, or if an employer attempts to interfere with the inspection, the Act permits appropriate legal action.

Based on a 1978 Supreme Court ruling (Marshall v. Barlow's Inc.), OSHA may not conduct warrantless inspections without an employer's consent. It may, however, inspect after acquiring a judicially authorized search warrant based upon administrative probable cause or upon evidence of a violation.

Inspection Priorities

Obviously, not all 6 million workplaces covered by the Act can be inspected immediately. The worst situations need attention first. Therefore, OSHA has established a system of inspection priorities.

Imminent Danger

Imminent danger situations are given top priority. An imminent danger is any condition where there is reasonable certainty that a danger exists that can be expected to cause death or serious physical harm immediately, or before the danger can be eliminated through normal enforcement procedures.

Serious physical harm is any type of harm that could cause permanent or prolonged damage to the body or which, while not damaging the body on a prolonged basis, could cause such temporary disability as to require inpatient hospital treatment. OSHA considers that "permanent or prolonged damage" has occurred when, for example, a part of the body is crushed or severed; an arm, leg, or finger is amputated; or sight in one or both eyes is lost. This kind of damage also includes that which renders a part of the body either functionally useless or substantially reduced in efficiency on or off the job. An example: bones is a limb shattered so severely that mobility or dexterity will be permanently reduced.

Temporary disability requiring inpatient hospital treatment includes injuries such as simple fractures, concussions, burns, or wounds involving substantial loss of blood and requiring extensive suturing or other healing aids.

Injuries or illnesses that are difficult to observe are classified as serious if they inhibit a person in performing normal functions, cause reduction in physical or mental efficiency of shorten life.

Health hazards may constitute imminent danger situations when they present a serious and immediate threat to life or health.

For a health hazard to be considered an imminent danger, there must be a reasonable expectation (1) that toxic substances such as dangerous fumes, dusts or gases are present, and (2) that exposure to them will cause immediate and irreversible harm to such a degree as to shorten life or cause reduction in physical or mental efficiency, even though the resulting harm is not immediately apparent.

Employees should inform the supervisor or employer immediately if they detect or even suspect an imminent danger situation in the workplace. If the employer takes no action to eliminate the danger, an employee or the authorized employee representative may notify the nearest OSHA office and request an inspection. The request should identify the workplace location, detail the hazard or condition and include the employee's name, address and telephone number. Although the employer has the right to see a copy of the complaint if an inspection results, the name of the employee will be withheld if the employee so requests.

The OSHA area director reviews the information and immediately determines whether there is a reasonable basis for the allegation. If it is decided the case has merit, the area director will assign a compliance officer to conduct an immediate inspection of the workplace.

Upon inspection, of an imminent danger situation is found, the compliance officer will ask the employer to voluntarily abate the hazard and to remove endangered employees from exposure. Should the employer fail to do this, OSHA, through the regional solicitor, may apply to the nearest Federal District Court for appropriate legal action to correct the situation. Before the OSHA inspector leaves the workplace, he or she will advise all affected employees of the hazard and post an imminent danger notice.

Such action can produce a temporary restraining order (immediate shutdown) of the operation or section of the workplace where the imminent danger exists. Should OSHA "arbitrarily or capriciously" decline to bring court action, the affected employees may sue the Secretary of Labor to compel the Secretary to do so.

Walking off the job because of potentially unsafe workplace conditions is not ordinarily an employee right. To do so may result in disciplinary action by the employer. However, an employee does have the right to refuse (in good faith) to be exposed to an imminent danger. OSHA rules protect employees from discrimination if:

- Where possible, he or she asked the employer to eliminate the danger, and the employer failed to do so; and
- The danger is so imminent that there is not sufficient time to have the danger eliminated through normal enforcement procedures; and
- The danger facing the employee is so grave that "a reasonable person" in the same situation would conclude there is a real danger of death or serious physical harm; and
- The employee has no reasonable alternative to refusing to work under the conditions (e.g., asking for reassignment to another area).

Catastrophes and Fatal Accidents

Second priority is given to investigation of fatalities and catastrophes resulting in hospitalization of five or more employees. Such situations must be reported to OSHA by the employer within 48 hours. Investigations are made to determine if OSHA standards were violated and to avoid recurrence of similar accidents.

Employee Complaints

Third priority is given to employee complaints of alleged violation of standards or of unsafe or unhealthful working conditions.

The Act gives each employee the right to request an OSHA inspection when the employee feels he or she is in imminent danger from a hazard or when he or she feels that there is a violation of an OSHA standard that threatens physical harm. OSHA will maintain confidentiality if requested, will inform the employee of any action it takes regarding the complaint and, if requested, will hold an informal review of any decision not to inspect. Just as

in situations of imminent danger, the employee's name will be withheld from the employer, if the employee so requests.

Programmed High-Hazard Inspections

Next in priority are programmed, or planned, inspections aimed at specific high-hazard industries, occupations or health substances. Industries are selected for inspection on the basis of factors such as the death, injury and illness incidence rates, and employee exposure to toxic substances. Special emphasis may be regional or national in scope, depending on the distribution of the workplaces involved. States with their own occupational safety and health programs may use somewhat different systems to identify high-hazard industries for inspection.

Other Programmed Inspections

These inspections are a random selection of low-hazard and non-manufacturing sites. Call the OSHA Office of Management Data Systems at (202) 219-8576 for more information.

Followup Inspections

A followup Inspection determines whether previously cited violations have been corrected. If an employer has failed to abate a violation, the compliance officer informs the employer that he/she is subject to "Notification of Failure to Abate" alleged violations and may face additional proposed daily penalties while such failure or violation continues.

Inspection Process

Prior to inspection, the compliance officer becomes familiar with as many relevant facts as possible about the workplace, taking into account such things as the history of the establishment, the nature of the business and the particular standards likely to apply. Preparing for the inspection also involves selecting appropriate equipment for detecting and measuring fumes, gases, toxic substances, noise, etc.

Inspector's Credentials

An Inspection begins when the OSHA compliance officer arrives at the establishment. He or she displays official credentials and asks to meet an appropriate employer representative. Employers should always insist upon seeing the compliance officer's credentials.

An OSHA compliance officer carries U.S. Department of Labor credentials bearing his or her photograph and a serial number that can be verified by phoning the nearest OSHA office. Anyone who promotes the sale of a product or service at any time, is not an OSHA compliance officer. Posing as a compliance officer is a violation of law; suspected imposter should be promptly reported to local law enforcement agencies.

Opening Conference

In the opening conference, the compliance officer (CSHO) explains why the establishment was selected. The CSHO also will ascertain whether an OSHA-funded consultation program is in progress or whether the facility is pursing or has received an inspection exemption; if so, the inspection is usually terminated.

The compliance officer then explains the purpose of the visit, the scope of the inspections, and the standards that apply. The employer will be given copies of applicable safety and health standards as well as a copy of any employee complaint that may be involved. If the employee has so requested, his or her name will not be revealed.

The employer is asked to select an employer representative to accompany the compliance officer during the inspection.

An authorized employee representative also is given the opportunity to attend the opening conference and to accompany the compliance officer during the inspection. If the employees are represented by a recognized bargaining representative, the union ordinarily will designate the employee representative to accompany the compliance officer. Similarly, if there is a plant safety committee, the employee members of that committee will designate the employee representative (in the absence of a recognized bargaining representative). Where neither employee group exists, the employee representative maybe selected by the employees themselves, or the compliance officer will determine if any employee suitably represents the interest of other employees. Under no circumstances may the employer select the employee representative for the walkaround.

The Act does not require that there be an employee representative for each inspection. Where there is no authorized employee representative, however, the compliance officer must consult with a reasonable number of employees concerning safety and health matters in the workplace; such consultations may be held privately.

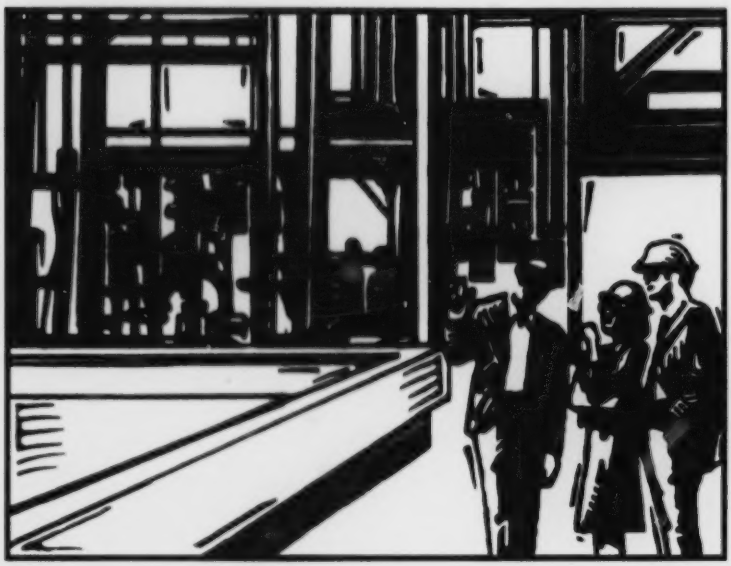
Inspection Tour

After the opening conference, the compliance officer and accompanying representatives proceed through the establishment, inspecting work areas for compliance with OSHA standards.

The route and duration of the inspection are determined by the compliance officer. While talking with employees, the compliance officer makes every effort to minimize any work interruptions. The compliance officer observes conditions, consults with employees, may take photos (for record purposes), takes instrument readings, and examines records.

Trade secrets observed by the compliance officer must and will be kept confidential. An inspector who releases confidential information without authorization is subject to a $1,000 fine and/or one year in jail. The employer may require that the employee representative have a security clearance for any area in question.

Employees are consulted during the inspection tour. The compliance officer may stop and question workers in private about safety and health conditions and practices in their workplaces. Each employee is protected under the Act from discrimination for exercising safety and health rights.



Posting and recordkeeping are checked. The compliance officer will inspect records of deaths, injuries and illnesses which the employer is required to keep. He or she will check to see that a copy of the totals from the last page of OSHA No. 200 has been posted and that the OSHA workplace poster (OSHA 2203) is prominently displayed. Where records of employee exposure to toxic substances and harmful physical agents have been required, they are also examined.

During the course of the inspection, the CSHO will point out to the employer any unsafe or unhealthful working conditions observed. At the same time, the CSHO will discuss possible corrective action if the employer so desires.

Some apparent violations detected by the compliance officer can be corrected immediately. When they are corrected on the spot, the compliance officer records such corrections to help in judging the employer's good faith in compliance. Even though corrected, however, the apparent violations may still serve as the basis for a citation and/or notice of proposed penalty. (For cases where imminent danger situations are detected, see p. 17)

An inspection tour may cover part or all of an establishment, even if the inspection resulted from a specific complaint, fatality or catastrophe.

Closing Conference

After the inspection tour, a closing conference is held between the compliance officer and the employer or the employer representative. It is a time for free discussion of problems and needs; a time for frank questions an answers.

The compliance officer discusses with the employer all unsafe or unhealthful conditions observed on the inspection and indicates all apparent violations for which a citation may be issued or recommended. The employer is told of appeal rights, the informal conference, and procedures for contesting citations. The compliance officer does not indicate any proposed penalties. Only the OSHA area director has that authority, and only after having received a full report.

During the closing conference, the employer may wish to produce records to show compliance efforts and to provide information which can help OSHA determine how much time may be needed to

abate an alleged violation. When appropriate, more than one closing conference may be held. This is usually necessary when health hazards are being evaluated or when laboratory reports are required. A closing discussion will be held with the employees, or their representative if requested, to discuss matters of direct interests to employees. The employees' representative may be present at the closing conference.

The CSHO explains that OSHA area offices are full-services resource centers that provide a number of services such as: guest speakers, handout packages of material that can be distributed to interested persons, the availability of training and technical materials on safety and health matters, and many other services.

Citations and Penalties

Citations Issued by the Area Director

After the compliance officer reports findings, the area director determines what citations, if any, will be issued, and what penalties, if any, will be proposed.

Citations inform the employer and employees of the regulations and standards alleged to have been violated and of the proposed length of time set for their abatement. The employer will receive citations and notices of proposed penalties by certified mail. The employer must post a copy of each citation at or near the place a violations occurred, for three days or until the violation is abated, whichever is longer.

Penalties

Under the OSH Act these are the types of violations that may be cited and the penalties that may be proposed:

- **Other Than Serious Violation**- A violation that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm. A proposed penalty of up to $7,000 for each violation is discretionary. A penalty for an other-than-serious violation may be adjusted downward by as much as 80 percent, depending on the employer's good faith (demonstrated efforts to comply with the Act), history of previous violation, and size of business. When the adjusted penalty amounts to less than $60, no penalty is proposed.
- **Serious Violation**-A violation where there is substantial probability that death or serious physical harm could result and that the employer knew, or should have known, of the hazard. A mandatory penalty of up to $7,000 for each violation is proposed. A penalty for a serious violation may be adjusted downward, based on the employer's good faith, history of previous violations, the gravity of the alleged violation, and size of business.
- **Willful Violation**-A violation that the employer intentionally and knowingly commits. The employer either knows that what he or she is doing constitutes a violation, or is aware that a hazardous condition existed and made no reasonable effort to eliminate it.

- Penalties of up to $70,000 may be proposed for each willful violation, with a minimum penalty for $5,000 for each violation. A proposed penalty for a willful violation may be adjusted downward, depending on the size of the business and its history of previous violations. Usually, no credit is given for good faith.
- If an employer is convicted of a willful violation of a standard that has resulted in the death of an employee, the offense is punishable by a court-imposed fine or by imprisonment for up to six month, or both. A fine of up to $250,000 for an individual, or $5000,000 for a corporation, may be imposed for a criminal conviction.
- **Repeated Violation**-A violation of any standard, regulation, rule or order where, upon reinspection, a substantially similar violation is found. Repeated violations can bring a fine of up to $70,000 for each such violation. To be the basis of a repeat citation, the original citation must be final; a citation under contest may not serve as the basis for a subsequent repeat citation.
- **Failure to Correct Prior Violation**-Failure to correct a prior violation may bring a civil penalty of up to $7,000 for each day the violation continues beyond the prescribed abatement date.

Additional violations for which citations and proposed penalties may be issued are as follows:

- Falsifying records, reports or applications upon conviction can bring a fine of $10,000 or up to six months in jail, or both.
- Violations of posting requirements can bring a civil penalty of up to $7,000.
- Assaulting a compliance officer, or otherwise resisting, opposing, intimidating, or interfering with a compliance officer in the performance of his or duties is a criminal offense, subject to a fine of not more than $5,000 and imprisonment for not more than three years.

Citation and penalty procedures may differ somewhat in states with their own occupational safety and health programs.

Appeals Process

Appeals by Employees

If an inspection was initiated due to an employee complaint, the employee or authorized employee representative may request an informal review of any decision not to issue a citation.

Employees may not contest citations, amendments to citations, penalties or lack of penalties. They may contest the time in the citation for abatement of a hazardous condition. They also may contest an employer's Petition for Modification of Abatement (PMA) which requests an extension of the abatement period. Employees must contest the PMA within 10 working days of its posting or within 10 working days after an authorized employee representative has received a copy.

Within 15 working days of the employer's receipt of the citation, the employee may submit a written objection to OSHA. The OSHA area director forwards the objection to the Occupational Safety and Health Review Commission, which operates independently of OSHA.

Employees may request an informal conference with OSHA to discuss any issues raised by an inspection, citation, notice of proposed penalty or employer's notice of intention to contest.

Appeals by Employers

When issued a citation or notice of a proposed penalty, an employer may request and informal meeting with OSHA's area director to discuss the case. Employee representatives may be invited to attend the meeting. The area director is authorized to enter into settlement agreements that revise citations and penalties to avoid prolonged legal disputes.

Petition for modification of Abatement

Upon receiving a citation, the employer must correct the cited hazard by the prescribed date unless he or she contests the citation or abatement date. Factors beyond the employer's reasonable control may prevent the completion of corrections by that date. In such a situation, the employer who has made a good faith effort to comply may file a PMA for an extended date.

The written petition should specify all steps taken to achieve compliance, the additional time needed to achieve complete compliance, the reasons such additional time is needed, all temporary steps being taken to safeguard employees against the cited hazard during the intervening period, that a copy of the PMA was posted in a conspicuous place at or near each place where a violation occurred, and that the employee representative (if there is one) received a copy of the petition.

Notice of Contest

If the employer decides to contest either the citation, the time set for abatement, or the proposed penalty, he or she has 15 working days from the time the citation and proposed penalty are received in which to notify the OSHA area director in writing. An orally expressed disagreement will not suffice. This written notification is called a "Notice of Contest."

There is no specific format for the Notice of Contest; however, it must clearly identify the employer's basis for filing the citation, notice of proposed penalty, abatement period, or notification of failure to correct violation.

A copy of the Notice of Contest must be given to the employee's authorized representative. If any affected employees are not represented by a recognized bargaining agent, a copy of the notice must be posted in a prominent location in the workplace, or else served personally upon each unrepresented employee.

Review Procedure

If the written Notice of Contest has been filed within the required 15 working days, the OSHA area director forwards the case to the Occupational Safety and Health Review Commission (OSHRC). The Commission is an independent agency not associated with OSHA or the Department of Labor. The Commission assigns the case to an administrative law judge.

The judge may disallow the contest if it is found to be legally invalid, or a hearing may be scheduled for a public place near the employer's workplace. The employer and the employees have the right to participate in the hearing; the OSHRC does not require that they be represented by attorneys.

Once the administrative law judge has ruled, any party to the case may requested a further review by OSHRC. Any of the three OSHRC commissioners also may, at his or her own motion, bring a case before the Commission for review. Commission rulings may be appealed to the appropriate U.S. Court of Appeals.

Appeals in State Plan States

States with their own occupational safety and health programs have a state system for review and appeal of citations, penalties, and abatement periods. The procedures are generally similar to federal OSHA's but cases are heard by a state review board or equivalent authority.

OSHA-Approved State Programs

The Act encourages states to develop and operate, under OSHA guidance, state job safety and health plans.

Once a state plan is approved under Section 18(b) of the Act, OSHA funds up to 50 percent of the program's operating costs. State plans are required to provide standards and enforcement programs, as well as voluntary compliance activities, which are at least as effective as the federal program. State plans developed for the private sector also must, to the extent permitted by state law, provide coverage for state and local government employees. OSHA rules also permit states to develop plans limited in coverage to public sector (state and local government) employees only; in such cases, private sector employment remains under federal jurisdiction.

To gain OSHA approval as a developmental plan, a state must have adequate legislative authority and must demonstrate that within three years it will provide standards-setting, enforcement and appeals procedures; public employee protection; a sufficient number of competent enforcement personnel; and training, education and technical assistance programs. If, at any time during this period or later, it appears that the state is capable of enforcing standards in accordance with the above requirements, OSHA may enter into an "operational status agreement" with the state. OSHA generally limits its enforcement activity to areas not covered by the state in the agreement and suspends all concurrent federal enforcement. Scheduled accident and complaint inspections are generally the primary responsibility of the state.

When all development steps concerning resources, procedures, and other requirements have been completed and approved, OSHA then certifies that a state has the legal, administrative, and enforcement means necessary to operate effectively. This action renders no judgment on how well or poorly a state is actually operating its program but merely attests to the structural completeness of its program. After this certification, their is a period of at least one year to determine if a state is effectively providing safety and health protection. If it is found that the state is operating at least as effectively as federal OSHA and other requirements including compliance staffing levels are met, final approval of the plan may be granted and federal authority will cease in those areas over which the state has jurisdiction.

Employers and employees should find out if their state operates an OSHA-approved state program and, if so, become familiar with it (see list of states with their own occupational safety and health programs). State safety and health standards under approved plans must keep pace with federal standards. Plan states must adopt standards comparable to the federal standards within 6 months of a federal standard's promulgation. Until a state standard is promulgated, OSHA will provide interim enforcement assistance, as appropriate. State plans also must guarantee employer and employee rights as does OSHA. OSHA closely monitors state programs. Anyone finding inadequacies or other problems in the administration of a state's program may file a complaint about state program administration (CASPA) with the appropriate regional administrator for OSHA. The complainant's name is keep confidential. OSHA investigates all such complaints and, where complaints are found to be valid, requires appropriate corrective action on the part of the state. A list of state plan states can be found at the end of this booklet.

Services Available

Consultation Assistance

Consultation assistance is available to employers who want help in establishing and maintaining a safe and healthful workplace.

Largely funded by OSHA, the service is provided at no cost to the employer. No penalties are proposed or citations issued for hazards identified by the consultant.

The service is provided to the employer with the assurance that his or her name and firm and any information about the workplace will not be routinely reported to OSHA enforcement staff.

Besides helping employers identify and correct specific hazards, consultation can include assistance in developing and implementing effective workplace safety and health programs with emphasis on the prevention of worker injuries and illnesses. Such comprehensive consultation assistance includes an appraisal of all mechanical systems, physical work practices, and environmental hazards of the workplace, and all aspects of the employer's present job safety and health program. Employers may also receive training and education services, as well as limited assistance away from the worksite.

Primarily targeted for smaller employers with more hazardous operations, the consultation service is delivered by state government agencies employing professional safety consultants and health consultants. All consultation services are provided at the request of an employer. When delivered at the worksite, consultation assistance includes an opening conference with the employer to explain the ground rules for consultation, a walk through the workplace to identify any specific hazards and to examine those aspects of the employer's safety and health program which relate to the scope of the visit, and a closing conference followed by a written report to the employer of the consultant's findings and recommendations.

This process begins with the employer's request for consultation and the commitment to correct any serious job safety and health hazards identified by the consultant. Possible violations of OSHA standards will not be reported to OSHA enforcement staff unless the employer fails or refuses to eliminate or control worker exposure to any identified serious hazard or imminent danger situation. In such unusual circumstances, OSHA may investigate and begin enforcement action.

Employers who receive a comprehensive consultation visit and demonstrate exemplary achievements in workplace safety and health through the abatement of all identified hazards, and who develop and implement an excellent safety and health program, may request participation in OSHA's SHARP program. SHARP is an acronym for "Safety and Health Achievement Recognition Program." Employers who are accepted into SHARP may receive an exemption from programmed inspections (not complaint or accident investigation inspections) for a period of one year.

Additional information concerning consultation assistance, including a directory of OSHA-funded consultation projects, can be obtained by requesting OSHA publication No.3047, Consultation Services for the Employer. (See also list of consultation projects at the end of this booklet.)

Voluntary Protection Programs

The Voluntary Protection Programs (VPPs) represent one part of OSHA's effort to extend worker protection beyond the minimum required by OSHA standards. These programs, along with others such as expanded onsite consultation services and full service area offices, are cooperative approaches which, when coupled with an effective enforcement program, expand worker protection to help meet the goals of the Occupational Safety and Health Act of 1970.

The three VPPs-Star, Merit, and Demonstration-are designed to:

- Recognize outstanding achievement of those who have successfully incorporated comprehensive safety and health programs into their total management system;
- Motivate others to achieve excellent safety and health results in the same outstanding way; and
- Establish a relationship between employers, employees, and OSHA that is based on cooperation rather than coercion.

The benefits of VPP participation include improved employee motivation to work safely, leading to better quality and productivity; lost workday case rates that generally are 60 per cent to 80 per cent below industry averages; reduced workers' compensation and other injury- and illness-related costs; positive community recognition and interaction; further improvement and revitalization of already good safety and health programs; and partnership with OSHA.

The **Star Program** is the most demanding and the most prestigious. It is open to an employer in any industry who has successfully managed a comprehensive safety and health program to reduce injury rates below the national average for the industry. Specific requirements for the program include: management commitment and employee participation; a high quality worksite analysis program; hazard prevention and control programs; and comprehensive safety and health training for all employees. These requirements must all be in place and operating effectively.

The **Merit Program** is primarily a stepping stone to Star Program participation. An employer with a basic safety and health program built around the Star requirements who is committed to improving the company's program and who has the resources to do so within a specified period of time may work with OSHA to meet Star qualifications.

The **Demonstration Program** is for companies that provide Star-quality worker protection in industries where certain Star requirements may not be appropriate or effective. It allows OSHA both the opportunity to recognize outstanding safety and health programs that would otherwise be unreached by the VPP and to determine if general Star requirements can be changed to include these companies as Star participants.

OSHA reviews an employer's VPP application and conducts an on-site review to verify that the safety and health programs de-

scribed is in operation at the site. Evaluations are conducted on a regular basis, annually for Merit and Demonstration programs, and triennially for Star. All participants must send their injury information annually to their OSHA regional office. Sites participating in the VPP are not scheduled for programmed inspections; however, any employee complaints, serious accidents or significant chemical releases that may occur are handled according to routine enforcement procedures.

An employer may make application for any VPP at the nearest OSHA regional office. Once OSHA is satisfied that on paper the employer qualifies for the program, an onsite review will be scheduled. The review team presents its findings in a written report for the company's review prior to submission to the Assistant Secretary of Labor, who heads OSHA. If approved, the employer receives a letter from the Assistant Secretary informing the site of its participation in the VPP. A certificate of approval and flag are presented at a ceremony held at or near the approved worksite. Star sites receiving reapproval after each triennial evaluation receive plaques at similar ceremonies.

The VPPs described are available in states under federal jurisdiction. Some 18(b) state plan states have similar programs. Interested companies in 18(b) states should contact the appropriate state designee for more information.

Additional information on the VPP is available from OSHA national, regional, and area offices (see list at the end of this booklet.)

Training and Education

OSHA's 73 area offices are full-service centers offering a variety of informational services such as availability for speaking engagements, publications, audiovisual aids on workplace hazards, and technical advice.

The OSHA Training Institute in Des Plaines, IL, provides basic and advanced training and education in safety and health for federal and state compliance officers; state consultants; other federal agency personnel; and private sector employers, employees and their representatives. Institute courses cover areas such as electrical hazards, machine guarding, ventilation and ergonomics. The Institute facility includes classrooms, laboratories, a library, and an audiovisual unit. The laboratories contain various demonstrations and equipment, such as power presses, woodworking and

welding shops, a complete industrial ventilation unit and a sound demonstration laboratory. More than 57 courses are available for personnel in the private sector dealing with subjects such as safety and health in the construction industry and methods of voluntary compliance with OSHA standards.

OSHA also provides funds to nonprofit organizations to conduct workplace training and education in subjects where OSHA believes there is a current lack of workplace training. OSHA identifies areas of unmet needs for safety and health education in the workplace annually and invites grant applications to address these needs. Current grant subjects include construction safety and health, process safety management, ergonomics, lockout-tagout, logging, and safety and health programs for small businesses.

Organizations awarded grants use funds to develop training and educational programs, reach out to workers and employers for whom their program is appropriate, and provide these programs to workers and employers.

Grants are awarded annually. Grant recipients are expected to contribute 20 percent of the total grant cost.

Employer Responsibilities and Rights

Employers have certain responsibilities and rights under the Occupational Safety and Health Act of 1970.

The checklists that follow provide a review of many of these. Employer responsibilities and rights in states with their own occupational safety and health programs are generally the same as in federal OSHA states.

Responsibilities

As an employer, you must:

- Meet your general duty responsibility to provide a workplace free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees, and comply with standards, rules and regulations issued under the Act.

- Be familiar with mandatory OSHA standards and make copies available to employees for review upon requests.
- Inform all employees about OSHA.
- Examine workplace conditions to make sure they conform to applicable standards.
- Minimize or reduce hazards.
- Make sure employees have and use safe tools and equipment (including appropriate personal protective equipment), and that such equipment is properly maintained.
- Use color codes, posters, labels, or signs when needed to warn employees of potential hazards.
- Establish or update operating procedures and communicate them so that employees follow safety and health requirements.
- Provide medical examinations when required by OSHA standards.
- Provide training required by OSHA standards (e.g., hazard communication, lead, etc).
- Report to the nearest OSHA office within 48 hours any fatal accident or one that results in the hospitalization of five or more employees.
- Keep OSHA-required records of work-related injuries and illnesses, and post a copy of the totals from the last page of OSHA No. 200 during the entire month of February each year. (This applies to employers with 11 or more employees.)
- Post, at a prominent location within the workplace, the OSHA poster (OSHA 2203) informing employees of their rights and responsibilities. (In states operating OSHA-approved job safety and health programs, the state's equivalent poster and/or OSHA 2203 may be required.)
- Provide employees, former employees and their representatives access to the Log and Summary of Occupational Injuries and Illnesses (OSHA No. 200) at a reasonable time and in a reasonable manner.
- Provide access to employee medical records and exposure records to employees or their authorized representatives.
- Cooperate with OSHA compliance officer by furnishing names of authorized employee representatives who may be asked to accompany the compliance officer during an inspection. (If none, the compliance officer will consult with a reasonable number of employees concerning safety and health in the workplace.)

- Not discriminate against employees who properly exercise their rights under the Act.
- Post OSHA citations at or near the worksite involved. Each citation, or copy thereof, must remain posted until the violation has been abated, or for three working days, whichever is longer.
- Abate cited violations within the prescribed period.

Rights

As an employer, you have the right to:

- Seek advice and off-site consultation as needed by writing, calling or visiting the nearest OSHA office. (OSHA will not inspect merely because an employer requests assistance.)
- Be active in your industry association's involvement in job safety and health.
- Request and receive proper identification of the OSHA compliance officer prior to inspection.
- Be advised by the compliance officer of the reason for an inspection.
- Have an opening and closing conference with the compliance officer.
- Accompany the compliance officer on the inspection.
- File a Notice of Contest with the OSHA area director within 15 working days of receipt of a notice of citation and proposed penalty.
- Apply to OSHA for a temporary variance from a standard if unable to comply because of the unavailability of materials, equipment or personnel needed to make necessary changes within the required time.
- Apply to OSHA for a permanent variance from a standard if you can furnish proof that your facilities or method of operations provide employee protection at least as effective as the required by the standard.
- Take an active role in developing safety and health standards through participation in OSHA Standards Advisory Committees, through nationally recognized standards-setting organizations and through evidence and views presented in writing or at hearings.

- Be assured of the confidentiality of any trade secrets observed by an OSHA compliance officer during an inspection.
- Submit a written request to NIOSH for information on whether any substance in your workplace has potentially toxic effects in the concentrations being used.

Employee Responsibilities and Rights

Although OSHA does not cite employees for violations of their responsibilities, each employee "shall comply with all occupational safety and health standards and all rules, regulations, and orders Issued under the Act" that are applicable.

Employee responsibilities and rights in states with their own occupational safety and health programs are generally the same as for workers in federal OSHA states.

Responsibilities

As an employee, you should:

- Read the OSHA poster at the job site.
- Comply with all applicable OSHA standards.
- Follow all employer safety and health rules and regulations, and wear or use prescribed protective equipment while engaged in work.
- Report hazardous conditions to the supervisor.
- Report any job-related injury or illness to the employer, and seek treatment promptly.
- Cooperate with the OSHA compliance officer conducting an inspection if he or she inquires about safety and health conditions in your workplace.
- Exercise your rights under the Act in a responsible manner.

Rights

As an employee, you have the right to:

- Review copies of appropriate OSHA standards, rules, regulations, and requirements that the employer should have available at the workplace.
- Request information from your employer on safety and health hazards in the area, on precautions that may be taken, and on procedures to be followed if an employee is involved in an accident or is exposed to toxic substances.
- Receive adequate training and information on workplace safety and health hazards.
- Request that the OSHA area director investigate if you believe hazardous conditions or violations of standards exist in your workplace.

11(c) Rights: Protection for Using Rights

Employees have a right to seek safety and health on the job without fear of punishment. That right is spelled out in Section 11(c) of the Act.

The law says employers shall not punish or discriminate against workers for exercising rights such as:

- Complaining to an employer, union, OSHA or any other government agency about job safety and health hazards;
- Filing safety or health grievances;
- Participating on a workplace safety and health committee or in union activities concerning job safety and health.
- Participating in OSHA inspections, conferences, hearing, or other OSHA-related activities.

If an employee is exercising these or other OSHA rights, the employer is not allowed to retaliate for such activities in any way, such as through firing, demotion, taking away seniority or other earned benefits, transferring the worker to an undesirable job or shift, or threatening or harassing the worker.

If the employer has knowingly allowed the employee to do something in the past (such as leaving work early), he or she may be violating the law by punishing the worker for doing the same thing following a protest about hazardous conditions. If the employer knows that a number of workers are doing the same thing wrong, he or she cannot legally single out for punishment the worker who has taken part in safety and health activities.

Workers believing they have been punished for exercising safety and health rights must contact the nearest OSHA office within 30 days of the time they learn of the alleged discrimination. An union representative can file the 11(c) complaint for the worker.

The workers does not have to complete any forms. An OSHA staff member will complete the forms, asking what happened and who was involved.

Following a complaint, OSHA investigates. If an employee has been illegally punished for exercising safety and health rights, OSHA asks the employer to restore that worker's job earning and benefits. If necessary, and if it can prove discrimination, OSHA takes the employer to court. In such cases the worker does not pay any legal fees.

If a state agency has an OSHA-approved state program, employees may file their complaint with either federal OSHA or the state agency under its laws.

Section 405 Surface Transportation Assistance Act

Section 405 of the Surface Transportation Assistance Act (STAA) provides protection from reprisal by employers of truckers and certain other employees in the trucking industry involved in activity related to commercial motor vehicle safety and health. Secretary of Labor's Order No. 1-90 (55 FR 9033, March 9, 1990) delegated to the Assistant Secretary of OSHA the authority to investigate and to issue findings and preliminary orders under Section 405.

Employees who believe they have been discriminated against for exercising their rights under Section 405 can file a complaint with OSHA within 180 days of the incident. The Secretary will then investigate the complaint and, within 60 days after it was filed, issue findings as to whether there is a reason to believe Section 405 has been violated.

If the Secretary finds that a complaint has merit, he/she also will issue an order requiring, where appropriate, abatement of the violation, reinstatement with back pay and related compensation, payment of compensatory damages, and the payment of the employee's expenses in bringing the complaint. Either the employee or employer may object to the findings. If no objection is filed with 30 days, the finding and order are final. If a timely filed objection is made, however, the objecting party is entitled to a hearing on the objection before an Administrative Law Judge of the Department of Labor.

Within 120 days of the hearing, the Secretary will issue a final order. A party aggrieved by the final order may seek judicial review in a court of appeals within 60 days of the final order.

The following activities of truckers and certain employees involved in interstate commercial motor vehicle operation are protected under Section 405.

- Filing of safety or health complaints with OSHA or another regulatory agency relating to a violation of a commercial motor vehicle safety rule, regulation, standard, or order.

- Instituting or causing to be instituted any proceedings relating to a violation of a commercial motor vehicle safety rule, regulation, standard or order.
- Testifying in any such proceedings relating to the above items.
- Refusing to operate a vehicle when such operation constitutes a violation of any Federal rules, regulations, standards or orders applicable to commercial motor vehicle safety or health; or because of the employee's reasonable apprehension of serious injury to himself or the public due to the unsafe condition of the equipment.
- Complaints under Section 405 are filed in the same manner as complaints under 11(c). The filing period for Section 405 is 180 days from the alleged discrimination, rather than 30 days as under Section 11(c).

Section 211: Asbestos Hazard Emergency Response Act

Section 211 of the Asbestos Hazard Emergency Response Act (AHERA) provides protection form reprisal to employees of primary and secondary schools who complain of exposure to asbestos in their work areas. Employees, either public or private, of primary and secondary schools, including those schools operated by the Department of Defense in foreign countries, who believe they have been discriminated against for exercising their rights under Section 211 can file a complaint with OSHA within 90 days of the incident. The Secretary of Labor will then investigate the complaint. If the Secretary finds that a complaint has merit, he/she will offer the respondent an opportunity to voluntarily settle the matter through full and complete remedy. Where the respondent declines to settle, the Secretary shall bring an action in an appropriate district court.

Section 7: International Safe Container Act

The International Safe Container Act (ISCA) of 1977 established uniform structural requirements for intermodal cargo containers designed to be transported interchangeably by sea and land carriers, and moving in or designed to move in, international trade. Section 7 of ISCA provides that no person shall discharge or in any manner discriminate against any employee because the employee has reported the existence of an unsafe container or has reported any other violation of ISCA. Section 7 does not protect refusals to work. Employees who believe they have discriminated against in

violation of Section 7 may file a complaint with OSHA within 60 days after the alleged violation occurs. An investigation will be conducted and if the Secretary of Labor finds that a violation has occurred, the respondent will be offered an opportunity to abate the discrimination by full and complete remedy. Should the respondent fail to remedy the discriminatory act, the Secretary shall bring an action in an appropriate district court.

Other Rights

As an employee, you have the right to:

- Have your name withheld from your employer, upon request to OSHA, if you file a written and signed complaint.
- Be advised of OSHA actions regarding your complaint and have an informal review, if requested, of any decision not to inspect or to issue a citation.
- Have your authorized employee representative accompany the OSHA compliance officer during the inspection tour.
- Respond to questions from the OSHA compliance officer, particularly if there is no authorized employee representative accompanying the compliance officer.
- Observe any monitoring or measuring of hazardous materials and have the right to see these records, and your medical records, as specified under the Act.
- Have your authorized representative, or yourself, review the Log and Summary of Occupational Injuries (OSHA No. 200) at a reasonable time and in a reasonable manner.
- Request a closing discussion with the compliance officer following an inspection.
- Submit a written request to NIOSH for information on whether any substance in have your name withheld from your employer if you so request.
- Object to the abatement period set in the citation issued to your employer by writing to the OSHA area director within 15 working days of the issuance of the citation.
- Participate in hearings conducted by the Occupational Safety and Health Review Commission.
- Be notified by your employer if he or she applies for a variance from an OSHA standard, and testify at a variance hearing and appeal the final decision.
- Submit information or comment to OSHA on the issuance, modification, or revocation of OSHA standards and request a public hearing.

Keeping Up to Date on OSHA

Clearly, OSHA cannot succeed in its mission without fully informed employers and employees.

If you have questions about OSHA, contact your nearest OSHA office. Also see page 5 of this booklet for information on obtaining OSHA rules and regulations by subscription to the *Federal Register*.

OSHA publications and fact sheets are issued to detail various facets of OSHA policy and regulations. Your OSHA regional or area office can provide you with a listing of current materials. Contact the OSHA Publications Office, P.O. Box 37535, Washington, DC 20013-7535, (202) 219-4667.

Your are encouraged to learn all you can about OSHA, its aims, policies, programs and practices, because you are the reason for them. The more you know about OSHA, the better you can contribute to its pursuit of safe and healthful working conditions for all Americans.

Electronic Information

Labor News Bulletin Board—OSHA news releases, recent *Federal Register* notices, fact sheets, and other information are available by modem by dialing (202) 219-4784. Callers should set the modem at 300, 1,200, 2,400 or 14,400 BAUD; Parity: None; Data Bits=8; Stop Bit=1. Voice phone: (202) 219-8831.

Internet—OSHA standards, interpretations, directive, and additional information are now on the World Wide Web at http://www.osha.gov and http://www.osha-slc.gov/.

CD-ROM—A wide variety of OSHA materials including standards, interpretations, directives, and more can be purchased on CD-ROM from the U.S. Government Printing Office. To order write to Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954. Specify OSHA Regulations, Documents & Technical Information on CD-ROM, (ORDT), S/N 729-01300000-5. The price is $88.00 per year ($110.00 foreign); single copy $30.00 ($37.50 foreign).

OSHA FAX—OSHA news releases, fact sheets, and other short documents are available by fax for a nominal charge of $1.50 per minute. Callers should dial (900) 555-3400 to access this service.

Emergencies

For life-threatening situations, call (800) 321-OSHA. Complaints will go immediately to the nearest OSHA area or state office for help.

For further information on any OSHA program, contact your nearest OSHA area or regional office listed at the end of this publication.

States with Approved Plans

States administering their own occupational safety and health programs through plans approved under section 18(b) of the Occupational Safety and Health Act of 1970 must adopt standards and enforcerequirements that are ar least as effective as Federal requirements. There are curently 25 State plan States: 23 cover the private and public (State and local government) sectors and 2 cover the public sector only (Connecticut and New York).

Commissioner
Alaska Department of Labor
1111 West 8th Street
Room 306
Juneau, AK 99801
(907) 465-2700

Director
Industrial Commission
of Arizona
800 W. Washington
Phoenix, AZ 85007
(602) 542-5795

Directo
California Department
of Industrial Relations
455 Golden Gate Avenue
4th Floor
San Francisco, CA 94102
(415) 703-4590

Commissioner
Connecticut Department
of Labor
200 Folly Brook Boulevard
Wethersfield, CT 06109
(203) 566-5123

Director
Hawaii Department of Labor
and Industrial Relations
830 Punchbowl Street
Honolulu, HI 96813
(808) 586-8844

Commissioner
Indiana Department of Labor
State Office Building
402 West Washington Street
Room W195
Indianapolis, IN 46204
(317) 232-2378

Commissioner
Iowa Division
of Labor Services
1000 E. Grand Avenue
Des Moines, IA 50319
(515) 281-3447

Secretary
Kentucky Labor Cabinet
1049 U.S. Highway, 127 South
Frankfort, KY 40601
(502) 564-3070

Commissioner
Maryland Division of Labor
and Industry
Department of Licensing
and Regulation
501 St. Paul Place, 2nd Floor
Baltimore, MD 21202-2272
(410) 333-4179

Director
Michigan Department of Labor
Victor Office Center
201 N. Washington Square
P.O. Box 30015
Lansing, MI 48933
(517) 373-9600

Director
Michigan Department
of Public Health
3423 North Logan Street
Box 30195
Lansing, MI 48909
(517) 335-8022

Commissioner
Minnesota Department
of Labor and Industry
443 Lafayette Road
St. Paul, MN 55155
(612) 296-2342

Director
Division of Industrial Relations
400 West King Street
Carson City, NV 89710
(702) 687-3032

Secretary
New Mexico Environmental
Department Occupational
Health and Safety Bureau
1190 St. Francis Drive
P.O. Box 26110
Santa Fe, NM 87502
(505) 827-2850

Commissioner
New York Department of Labor
State Office Building -
Campus 12
Room 457
Albany, NY 12240
(518) 457-2741

Commissioner
North Carolina Department
of Labor
319 Chapanoke Road
Raleigh, NC 27603
(919) 662-4585

Administrator
Oregon Occupational Safety
and Health Division
Department of Consumer
and Business Services Labor
and Industries Buildiing
350 Winter Street, NE,
Room 430
Salem, OR 97310
(503) 378-3272

Secretary
Puerto Rico Department
of Labor and Human
Resources
Prudencio Rivera Martinez
Building
505 Munoz Rivera Avenue
Hato Rey, PR 00918
(809) 754-2119

Commissioner
South Carolina Department
of Labor
3600 Forest Drive
P.O. Box 11329
Columbia, SC 29211-1329
(803) 734-9594

Commissioner
Tennessee Department of Labor
Attention: Robert Taylor
710 James Robertson Parkway
Gateway Plaza
Suite "A" - 2nd Floor
Nashville, TN 37243-0655
(615) 741-2582

Commissioner
Industrial Commission of Utah
160 East 300 South, 3rd Floor
P.O. Box 146600
Salt Lake City, UT 84110-6600
(801) 530-6880

Commissioner
Vermont Department of Labor
and Industry
120 State Street
Montpelier, VT 05620
(802) 828-2288

Commissioner
Virgin Islands Department
of Labor
2131 Hospital Street,
Box 890
Christiansted
St. Croix, VI 00840-4666
(809) 773-1994

Commissioner
Virginia Department of Labor
and Industry
Powers-Taylor Building
13 South 13th Street
Richmond, VA 23219
(804) 786-9873

Director
Washington Department
of Labor and Industries
P.O. Box 44000
Olympia, WA 98504-4000
(360) 902-4200

Administrator
Occupational Safety
and Health Administration
Herschler Building,
2nd Floor East
122 West 25th Street
Cheyenne, WY 82002
(307) 777-7786

OSHA Consultation Project Directory

Consultation programs provide free services to employers who request help in identifying and correcting specific hazards, want to improve their safety and health programs, and/or need further assistance in training and education. Funded by OSHA and delivered by well-trained professional staff of state governments, consultation services are comprehensive, and include an appraisal of all workplace hazards, practices, and job safety and health programs; conferences and agreements with management; assistance in implementing recommendations; and a follow-up appraisal to ensure that any required corrections are made.

For more information on consultation programs, contact the appropriate office in your state listed below.

State	Telephone
Alabama	(205) 348-3033
Alaska	(907) 269-4939
Arizona	(602) 542-5795
Arkansas	(501) 682-4522
California	(415) 703-4441
Colorado	(303) 491-6151
Connecticut	(203) 566-4550
Delaware	(302) 577-3908
District of Columbia	(202) 576-6339
Florida	(904) 488-3044
Georgia	(404) 894-2646
Guam	(671) 647-4202
Hawaii	(808) 586-9116
Idaho	(208) 385-3283
Illinois	(312) 814-2337
Indiana	(317) 232-2688
Iowa	(515) 281-5352
Kansas	(913) 296-4386
Kentucky	(502) 564-6895
Louisiana	(504) 342-9601
Maine	(207) 624-6460
Maryland	(410) 333-4218
Massachusetts	(617) 969-7177
Michigan	(517) 332-8250(H)
	(517) 322-1809(S)

Minnesota	(612) 297-2393
Mississippi	(601) 987-3981
Missouri	(314) 751-3403
Montana	(406) 444-6418
Nebraska	(402) 471-4717
Nevada	(702) 486-5016
New Hampshire	(603) 271-2024
New Jersey	(609) 292-3923
New Mexico	(505) 827-2877
New York	(518) 457-2481
North Carolina	(919) 662-4651
North Dakota	(701) 328-5188
Ohio	(614) 644-2631
Oklahoma	(405) 528-1500
Oregon	(503) 378-3272
Pennsylvania	(412) 357-2396
Puerto Rico	(809) 754-2171
Rhode Island	(401) 277-2438
South Carolina	(803) 734-9599
South Dakota	(605) 688-4101
Tennessee	(615) 741-7036
Texas	(512) 440-3834
Utah	(801) 530-6868
Vermont	(802) 828-2765
Virginia	(804) 686-8707
Virgin Islands	(809) 772-1315
Washington	(206) 956-5443
West Virginia	(304) 558-7890
Wisconsin	(608) 266-8579(H)
	(414) 521-5188(S)
Wyoming	(307) 777-7786

(H) - Health
(S) - Safety

OSHA Area Offices

Area	Telephone
Albany, NY	(518) 464-6742
Albuquerque, NM	(505) 766-3411
Allentown, PA	(215) 776-0592
Anchorage, AK	(907) 271-5152
Appleton, WI	(414) 734-4521
Austin, TX	(512) 482-5783
Avenel, NJ	(908) 750-3270
Baltimore, MD	(410) 962-2840
Bangor, ME	(207) 941-8179
Baton Rouge, LA	(504) 389-0474
Bayside, NY	(718) 279-9060
Bellevue, WA	(206) 553-7520
Billings, MT	(406) 657-6649
Birmingham, AL	(205) 731-1534
Bismarck, ND	(701) 250-4521
Boise, ID	(208) 334-1867
Bowmansville, NY	(716) 684-3891
Braintree, MA	(617) 565-6924
Bridgeport, CT	(203) 579-5581
Calumet City, IL	(708) 891-3800
Carson City, NV	(702) 885-6963
Charleston, WV	(304) 347-5937
Cincinnati, OH	(513) 841-4132
Cleveland, OH	(216) 522-3818
Columbia, SC	(803) 765-5904
Columbus, OH	(614) 469-5582
Concord, NH	(603) 225-1629
Corpus Christi, TX	(512) 888-3420
Dallas, TX	(214) 320-2400
Denver, CO	(303) 844-5285
Des Plaines, IL	(708) 803-4800
Des Moines, IA	(515) 284-4794
Englewood, CO	(303) 843-4500
Erie, PA	(814) 833-5758
Fort Lauderdale, FL	(305) 424-0242
Fort Worth, TX	(817) 885-7025
Frankfort, KY	(502) 227-7024
Harrisburg, PA	(717) 782-3902
Hartford, CT	(203) 240-3152
Hasbrouck Heights, NJ	(201) 288-1700
Hato Rey, PR	(809) 766-5457
Honolulu, HI	(808) 541-2685

Houston, TX	(713) 286-0583
Houston, TX	(713) 591-2438
Indianapolis, IN	(317) 226-7290
Jackson, MS	(601) 965-4606
Jacksonville, FL	(904) 232-2895
Kansas City, MO	(816) 426-2756
Lansing, MI	(517) 377-1892
Little Rock, AR	(501) 324-6291
Lubbock, TX	(806) 743-7681
Madison, WI	(608) 264-5388
Marlton, NJ	(609) 757-5181
Methuen, MA	(617) 565-8110
Milwaukee, WI	(414) 297-3315
Minneapolis, MN	(612) 348-1994
Mobile, AL	(205) 441-6131
Nashville, TN	(615) 781-5423
New York, NY	(212) 264-9840
Norfolk, VA	(804) 441-3820
North Aurora, IL	(708) 896-8700
Oklahoma City, OK	(405) 231-5351
Omaha, NE	(402) 221-3182
Parsippany, NJ	(201) 263-1003
Peoria, IL	(309) 671-7033
Philadelphia, PA	(215) 597-4955
Phoenix, AZ	(602) 640-2007
Pittsburgh, PA	(412) 644-2903
Portland, OR	(503) 326-2251
Providence, RI	(401) 528-4669
Raleigh, NC	(919) 856-4770
Salt Lake City, UT	(801) 524-5080
San Francisco, CA	(415) 744-7120
Savannah, GA	(912) 652-4393
Smyrna, GA	(404) 984-8700
Springfield, MA	(413) 785-0123
St. Louis, MO	(314) 425-4249
Syracuse, NY	(315) 451-0808
Tampa, FL	(813) 626-1177
Tarrytown, NY	(914) 524-7510
Toledo, OH	(419) 259-7542
Tucker, GA	(404) 493-6644
Westbury, NY	(516) 334-3344
Wichita, KS	(316) 269-6644
Wilkes-Barre, PA	(717) 826-6538

U.S. Department of Labor
Occupational Safety and Health Administration
Regional Offices

Region I
(CT, MA, ME, NH, RI, VT)
133 Portland Street
1st Floor
Boston, MA 02114
Telephone: (617) 565-7164

Region II
(NJ, NY, PR, VI)
201 Varick Street
Room 670
New York, NY 10014
Telephone: (212) 337-2378

Region III
(DC, DE, MD, PA, VA, WV)
Gateway Building, Suite 2100
3535 Market Street
Philadelphia, PA 19104
Telephone: (215) 596-1201

Region IV
(AL, FL, GA, KY, MS, NC, SC, TN)
1375 Peachtree Street, N.E.
Suite 587
Atlanta, GA 30367
Telephone: (404) 347-3573

Region V
(IL, IN, MI, MN, OH, WI)
230 South Dearborn Street
Room 3244
Chicago, IL 60604
Telephone: (312) 353-2220

Region VI
(AR, LA, NM, OK, TX)
525 Griffin Street
Room 602
Dallas, TX 75202
Telephone: (214) 767-4731

Region VII
(IA, KS, MO, NE)
City Center Square
1100 Main Street, Suite 800
Kansas City, MO 64105
Telephone: (816) 426-5861

Region VIII
(CO, MT, ND, SD, UT, WY)
Suite 1690
1999 Broadway
Denver, CO 80202-5716
Telephone: (303) 391-5858

Region IX
(American Samoa, AZ, CA, Guam, HI, NV, Trust Territories of the Pacific)
71 Stevenson Street
Room 420
San Francisco, CA 94105
Telephone: (415) 744-6670

Region X
(AK, ID, OR, WA)
1111 Third Avenue
Suite 715
Seattle, WA 98101-3212
Telephone: (206) 553-5930

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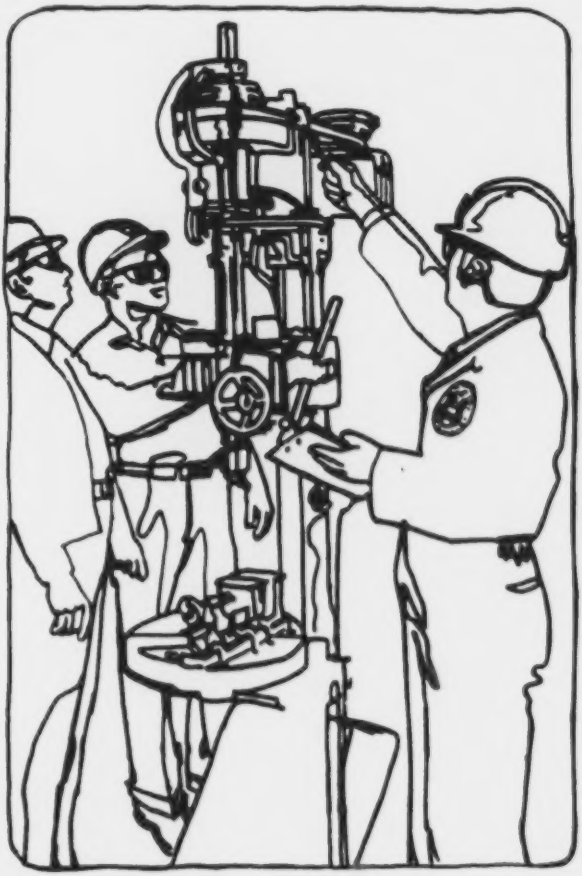
OSHA Inspections

U.S. Department of Labor
Occupational Safety and Health Administration

OSHA 2098
1996 (Revised)



This informational booklet is intended to provide a generic, non-exhaustive overview of a particular standards-related topic. This publication does not itself alter or determine compliance responsibilities, which are set forth in OSHA standards themselves and the *Occupational Safety and Health Act*. Moreover, because interpretations and enforcement policy may change over time, for additional guidance on OSHA compliance requirements, the reader should consult current administrative interpretations and decisions by the Occupational Safety and Health Review Commission and the courts.

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This information will be made available to sensory impaired individuals upon request.

Voice phone: (202) 219-8615. Telecommunications Device for the Deaf (TDD) message referral phone: (800) 326-2577.

OSHA Inspections

U.S. Department of Labor
Robert B. Reich, Secretary

Occupational Safety and Health Administration
Joseph A. Dear

OSHA 2098
1996 (Revised)

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Background

Under the *Occupational Safety and Health Act of 1970* (the Act), the Occupational Safety and Health Administration (OSHA) is authorized to conduct workplace inspections to determine whether employers are complying with standards issued by the Agency for safe and healthful workplaces. OSHA also enforces Section 5 (a)(1) of the Act, known as the "General Duty Clause," which requires that every working man and woman must be provided with a safe and healthful workplace.

Workplace inspections are performed by OSHA compliance safety and health officers who are knowledgeable and experienced in the occupational safety and health field and who are trained in OSHA standards and in the recognition of safety and health hazards. Similarly, states with their own occupational safety and health programs conduct inspections using qualified state compliance safety and health officers.

States administering their own occupational safety and health program through plans approved under section 18 (b) of the Act must adopt standards and enforce requirements which are at least as effective as federal requirements. There are currently 25 state plan states: 23 covering the private and public (state and local government) sectors and 2 covering the public sector only. Plan states must adopt standards comparable to the federal within 6 months of a federal standard's promulgation. Although most states adopt standards identical to the federal, the state plan agency should be contacted directly to determine if there are any different or additional state occupational safety and health requirements.

Inspections are usually conducted without advance notice. In fact, alerting an employer without proper authorization in advance of an OSHA inspection can bring a fine of up to $1,000 and/or a 6-month jail term. This is true for federal OSHA compliance officers as well as state inspectors.

There are, however, special circumstances under which OSHA may give notice to the employer, but such a notice will normally be less than 24 hours. These circumstances include the following:

- Imminent danger situations that require correction as soon as possible;
- Inspections that must take place after regular business hours or that require special preparation;

- Cases where notice is required to ensure that the employer and employee representative or other personnel will be present;
- Cases where an inspection must be delayed for more than 5 working days when there is good cause; and
- Situations in which the OSHA area director determines that advance notice would produce a more thorough or effective inspection.

Employers who receive advance notice of an inspection must inform their employees' representative or arrange for OSHA to do so.

If an employer refuses to admit an OSHA compliance officer or if an employer attempts to interfere with the inspection, the Act permits appropriate legal action, such as obtaining a warrant to inspect.

Based on a 1978 Supreme Court ruling, *Marshall* v. *Barlow's Inc.*, OSHA usually may not conduct warrantless inspections without valid consent. The Agency, however, may inspect after acquiring a judicially authorized search warrant based upon administrative probable cause or upon evidence of a violation.

Inspection Priorities

Not all 6.2 million workplaces covered by the Act can be inspected immediately. The worst situations need attention first. OSHA, therefore, has established a system of inspection priorities.

Imminent Danger

Imminent danger situations are given top priority. An imminent danger is any condition where there is reasonable certainty that a danger exists that can be expected to cause death or serious physical harm immediately or before the danger can be eliminated through normal enforcement procedures.

If an imminent danger situation is found, the compliance officer will ask the employer to voluntarily abate the hazard and to remove endangered employees from exposure.

Should the employer fail to do this, OSHA, through the regional solicitor, may apply to the Federal District Court for an injunction prohibiting further work as long as unsafe conditions exist.

Catastrophes and Fatal Accidents

Second priority is given to investigation of fatalities and accidents resulting in hospitalization of three or more employees.

Such catastrophes must be reported to OSHA by the employer within 8 hours. OSHA investigates to determine the cause of such accidents and whether existing OSHA standards were violated.

Complaints and Referrals

Third priority is given to formal employee complaints of alleged violations or standards or of unsafe or unhealthful working conditions and to referrals from other government authorities about specific workplace hazards.

The Act gives each employee the right to request an OSHA inspection when the employee believes he or she is in imminent danger from a hazard or when he or she thinks that there is a violation of an OSHA standard that threatens physical harm. OSHA will maintain confidentiality if requested, will inform the employee of any action it takes regarding the complaint and, if requested, will hold an informal review of any decision not to inspect.

Programmed Inspections

Next in priority are programmed inspections aimed at specific high-hazard industries, workplaces, occupations or health substances, or other industries identified in OSHA's current inspection procedures. Industries are selected for inspection on the basis of factors such as the injury incidence rates, previous citation history, employee exposure to toxic substances, or random selection. Special emphasis programs also may be developed and may be regional or national in scope, depending on the distribution of the workplaces involved. Comprehensive safety inspections in manufacturing will be conducted normally in those establishments with lost-workday injury rates at or above the Bureau of Labor Statistics' (BLS) national rate for manufacturing currently in use by OSHA. States with their own occupational safety and health programs may use somewhat different systems to identify industries for inspection.

Followup Inspections

A followup inspection determines if previously cited violations have been corrected. If an employer has failed to abate a violation, the compliance officer informs the employer that he or she is subject to "Failure to Abate" alleged violations and proposed additional daily penalties while such failure to abate or violation continues.

Preparing for the Inspection

A compliance officer represents the Agency and is expected to demonstrate his or her knowledge and expertise in the safety and health field in a courteous and professional manner. Prior to the inspection, the compliance officer will become familiar with as many relevant facts as possible about the workplace, such as the inspection history of the establishment, the nature of the business, and the particular standards that might apply. This preparation provides the compliance officer with a knowledge of the potential hazards and industrial processes that may be encountered and aids in selecting appropriate personal protective equipment for use against these hazards during the inspection.

Inspector's Credentials

When the OSHA compliance officer arrives at the establishment, he or she displays official credentials and asks to meet an appropriate employer representative. Employers should always ask to see the compliance officer's credentials.

OSHA federal or state compliance officer official credentials can be verified by calling the nearest federal or state OSHA office. Compliance officers may not collect a penalty at the time of inspection or promote the sale of a product or service at any time; anyone who attempts to do so is impersonating a government inspector and the FBI or local law enforcement officials should be contacted *immediately*.

Opening Conference

In the opening conference, the compliance officer explains how the establishment was selected and what the likely scope of the inspection will be. The compliance officer also will ascertain whether an OSHA-funded consultation visit is in progress or whether the

facility is pursuing or has received an inspection exemption through the consultation program; if so, the inspection may be terminated.

The compliance officer explains the purpose of the visit, the scope of the inspection, and the standards that apply. The employer will be given information on how to obtain a copy of applicable safety and health standards as well as a copy of any employee complaint that may be involved (with the employee's name deleted, if the employee has requested anonymity).

The employer is asked to select an employer representative to accompany the compliance officer during the inspection.

An authorized employee representative also is given the opportunity to attend the opening conference and to accompany the compliance officer during the inspection. If the employees are represented by a recognized bargaining agent, the agent ordinarily will designate the employee representative to accompany the compliance officer. Similarly, if there is a plant safety committee, the employee members of that committee will designate the employee representative (in the absence of a recognized bargaining agent). Where neither employee group exists, the employee representative may be selected by the employees themselves, or the compliance officer may determine if any employee suitably represents the interest of other employees. Under no circumstances may the employer select the employee representative for the walkaround.

The Act does not require that there be an employee representative for each inspection. Where there is no authorized employee representative, however, the compliance officer must consult with a reasonable number of employees concerning safety and health matters in the workplace.

The Inspection Process

After the opening conference, the compliance officer and accompanying representatives proceed through the establishment to inspect work areas for safety and health hazards.

The compliance officer determines the route and duration of the inspection. While talking with employees, the compliance officer makes every effort to minimize any work interruptions. The compliance officer observes safety and health conditions and practices; consults with employees privately, if necessary; takes photos and instrument readings; examines records, collects air samples, mea-

sures noise levels, and surveys existing engineering controls; and monitors employee exposure to toxic fumes, gases, and dusts.

An inspection tour may cover part or all of an establishment, even if the inspection resulted from a specific complaint, fatality, or catastrophe.

Trade secrets observed by the compliance officer will be kept confidential. An inspector who releases confidential information without authorization is subject to a $1,000 fine and/or 1 year in jail. The employer may require that the employee representative have confidential clearance for any area in question.

Employees are consulted during the inspection tour. The compliance officer may stop and question workers, in private, about safety and health conditions and practices in their workplaces. Each employee is protected under the Act from discrimination by the employer for exercising his or her safety and health rights.

OSHA places special importance on posting and recordkeeping requirements. The compliance officer will inspect records of deaths, injuries, and illnesses which the employer is required to keep. He or she will check to see that a copy of the totals from the last page of OSHA Form No. 200 has been posted and that the OSHA workplace poster (OSHA 2203), which explains employees' safety and health rights, is prominently displayed. Where records of employee exposure to toxic substances and harmful physical agents have been required, they are also examined for compliance with the recordkeeping requirements.

The compliance officer also explains the requirements of the Hazard Communication Standard. Under that rule, employers must establish a written, comprehensive communication program that includes provisions for container labeling, material safety data sheets, and an employee training program. The program must contain a list of the hazardous chemicals in each work area and the means the employer will use to inform employees of the hazards of non-routine tasks.

During the course of the inspection, the compliance officer will point out to the employer any unsafe or unhealthful working conditions observed. At the same time, the compliance officer will discuss possible corrective action if the employer so desires.

Some apparent violations detected by the compliance officer can be corrected immediately. When they are corrected on the spot, the compliance officer records such corrections to help in judging the employer's good faith in compliance. Although corrected, the apparent violations may still serve as the basis for a citation and, if appropriate, a notice of proposed penalty. The penalties for some types of violations may be reduced if they are corrected immediately.

Closing Conference

At the conclusion of an inspection, the compliance officer conducts a closing conference with the employer and the employee representative. It is a time for free discussion of problems and needs; a time for frank questions and answers.

The compliance officer also will give the employer a copy of *Employer Rights and Responsibilities Following an OSHA Inspection* (OSHA 3000) and will discuss briefly the information in the booklet and answer any questions.

The compliance officer discusses with the employer all unsafe or unhealthful conditions observed during the inspection and indicates all apparent violations for which a citation and a proposed penalty may be issued or recommended. The compliance officer will not indicate any specific proposed penalties; however, the employer is informed of appeal rights.

During the closing conference, the employer may wish to produce records to show compliance efforts and to provide information that can help OSHA determine how much time may be needed to abate an alleged violation.

When appropriate, more than one closing conference may be held. This is usually necessary when health hazards are being evaluated or when laboratory reports are required.

The compliance officer explains that OSHA area offices are full-service resource centers that inform the public of OSHA activities and programs, such as new or revised standards, including the status of proposed standards, comment periods, or public hearings; provide technical experts and materials, including courses offered at the OSHA Training Institute; refer callers to other agencies and professional organizations as appropriate; and promote effective safety and health programs through voluntary protection programs and expanded employer abatement assistance efforts.

If an employee representative does not participate in either the opening or the closing conference held with the employer, a separate discussion is held with the employee representative, if requested, to discuss matters of direct interest to employees.

Inspection Results

After the compliance officer reports findings, the area director determines whether citations will be issued and whether penalties will be proposed.

Citations

Citations inform the employer and employees of the regulations and standards alleged to have been violated and of the proposed length of time set for their abatement. The employer will receive citations and notices of proposed penalties by certified mail. The employer must post a copy of each citation at or near the place a violation occurred, for 3 days or until the violation is abated, whichever is longer.

Penalties

These are the types of violations that may be cited and the penalties that may be proposed:[1]

- ***Other-than-Serious Violation***—A violation that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm. A penalty from $0 to $7,000 for each violation may be assessed. A penalty for an other-than-serious violation may be adjusted downward by as much as 95 percent, depending on the employer's good faith (demonstrated efforts to comply with the Act), history of previous violations, and size of business.[2] When the adjusted penalty amounts to less than $100, usually no penalty is proposed.

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[1]For more detailed information, see U.S. Department of Labor *Program Highlights*, Fact Sheet No. OSHA 91-36, "New OSHA Civil Penalties Policy," which is available from the Department of Labor's Office of Information, 200 Constitution Avenue, N.W., Washington, DC 20210, (202) 219-8151.

[2]For a more detailed description of adjustment factors, see U.S. Department of Labor *Program Highlights*, Fact Sheet No. OSHA 91-36 and OSHA's voluntary "Safety and Health Program Management Guidelines." (*Federal Register*, Vol. 54, No. 16, January 26, 1989, Pp. 3904-3916.)

- ***Serious Violation***—A violation where there is a substantial probability that death or serious physical harm could result. The penalty for a serious violation is assessed from $1,500 to a maximum of $7,000 depending on the gravity of the violation. A penalty for a serious violation may be adjusted downward based on the employer's good faith, history of previous violations, and size of business.

- ***Willful Violation***—A violation that the employer intentionally and knowingly commits. The employer is aware that a hazardous condition exists, knows that the condition violates a standard or other obligation of the Act, and makes no reasonable effort to eliminate it. Penalties of up to $70,000 may be proposed for each willful violation. The minimum willful penalty is $5,000.

  An employer who is convicted in a criminal proceeding of a willful violation of a standard that has resulted in the death of an employee may be fined up to $250,000 (or $500,000 if the employer is a corporation) or imprisoned up to 6 months, or both. A second conviction doubles the possible term of imprisonment.[3]

- ***Repeated Violation***—A violation of any standard, regulation, rule, or order where, upon reinspection, a substantially similar violation is found and the original citation has become a final order. Repeated violations can bring a fine of up to $70,000 for each such violation. To calculate repeated violations, the initial penalty is adjusted for the size and then multiplied by a factor of 2, 5, or 10 depending on the size of the employer.

- ***Failure to Abate***—Failure to correct a prior violation may bring a civil penalty of up to $7,000 for each day that the violation continues beyond the prescribed abatement date.

Additional violations for which citations and proposed penalties may be issued are as follows:

- Falsifying records, reports, or applications can, upon conviction, bring a criminal fine of $10,000 or up to 6 months in jail, or both.

- Violations of posting requirements bring a civil penalty of $7,000.

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[3]For more information, see *United States Code Annotated, Title 18, Crimes and Criminal Procedures 3331 to 4120*, West Publishing Company, St. Paul, MN, 1991, Pp. 53-54.

- **Assaulting a compliance officer, or otherwise resisting, opposing, intimidating, or interfering with a compliance officer in the performance of his or her duties is a criminal offense and is subject to a fine of not more than $5,000 and imprisonment for not more than 3 years.**

Citations and penalty procedures may differ somewhat in states with their own occupational safety and health programs.

Appeals Process

Appeals by Employees

If an inspection was initiated because of an employee complaint, the employee or authorized employee representative may request an informal review of any decision not to issue a citation.

Employees may not contest citations, amendments to citations, proposed penalties, or lack of penalties. They may, however, contest the time allowed for abatement of a hazardous condition. They also may contest an employer's "Petition for Modification of Abatement" which requests an extension of the proposed abatement period. Employees must contest the petition within 10 working days of its posting or within 10 working days after an authorized employee representative has received a copy.

Employees may request an informal conference with OSHA to discuss any issues raised by an inspection, citation, notice of proposed penalty, or employer's notice of intention to contest.

Appeals by Employers

Within 15 working days of the employer's receipt of a citation, the employer who wishes to contest must subject a written objection to OSHA. The OSHA area director forwards the objection to the Occupational Safety and Health Review Commission (OSHRC), which operates independently of OSHA.

When issued a citation and notice of proposed penalty, an employer may request an informal meeting with OSHA's area director to discuss the case. OSHA encourages employers to have such informal conferences with the area director if the employer has issues arising from the inspection that they wish to discuss or if they wish to provideadditonal infromation. The area director is authorized

to enter into settlement agreements that revise citations and penalties to avoid prolonged legal disputes and that result in speedier hazard abatement (alleged violations contested before OSHRC do not need to be corrected until the contest is ruled upon by OSHRC).

Petition for Modification of Abatement

Upon receiving a citation, the employer must correct the cited hazard by the abatement date unless he or she contests the citation or abatement date. Factors beyond the employer's control, however, may prevent the completion of corrections by that date. In such a situation, the employer who has made a good faith effort to comply may file a petition to modify the abatement date.

The written petition must specify the steps taken to achieve compliance, the additional time needed to comply, the reasons additional time is needed, and interim steps being taken to safeguard employees against the cited hazard during the intervening period. The employer must certify that a copy of the petition was posted in a conspicuous place at or near each place where a violation occurred and that the employee representative received a copy of the petition.

Notice of Contest

If the employer decides to contest either the citation, the abatement period, or the proposed penalty, he or she has 15 working days from the time the citation and proposed penalty are received to notify the OSHA area director in writing. Failure to do so will result in the citation and proposed penalty becoming a final order of the OSHRC without further appeal. An orally expressed disagreement will not suffice. This written notification is called a "Notice of Contest."

Although there is no specific format for the "Notice of Contest," it must clearly identify the employer's basis for filing—the citation, notice of proposed penalty, abatement period, or notification of failure to correct violations.

A copy of the "Notice of Contest" must be given to the employee's authorized representative. If any affected employees are not represented by a recognized bargaining agent, a copy of the notice must be posted in a prominent location in the workplace or given personally to each unrepresented employee.

Review Procedure

If the written "Notice of Contest" has been filed within the required 15 working days, the OSHA area director forwards the case to OSHRC. The commission is an independent agency not associated with OSHA or the Department of Labor. The commission assigns the case to an administrative law judge.

A hearing may be scheduled for a public place near the employer's workplace. The employer and the employees have the right to participate in the hearing; the OSHRC does not require that they be represented by attorneys.

Once the administrative law judge has ruled, any party to the case may request a further review by OSHRC. Any of the three OSHRC commissioners also may, at his or her own motion, bring a case before the commission for review. Commission rulings may be appealed to the appropriate U.S. Court of Appeals.

Appeals in State Plan States

States with their own occupational safety and health programs have a state system for review and appeal of citations, penalties, and abatement periods. The procedures are generally similar to federal OSHA's, but cases are heard by a state review board or equivalent authority.

Other Sources of OSHA Assistance

Safety and Health Program Management Guidelines

Effective management of worker safety and health protection is a decisive factor in reducing the extent and severity of work-related injuries and illnesses and their related costs. To assist employers and employees in developing effective safety and health programs, OSHA published recommended *Safety and Health Program Management Guidelines* (*Federal Register* 54(18):3908-3916, January 26, 1989). These voluntary guidelines apply to all places of employment covered by OSHA.

The guidelines identify four general elements that are critical to the development of a successful safety and health management program:

- Management commitment and employee involvement,
- Worksite analysis,

- Hazard prevention and control, and
- Safety and health training.

The guidelines recommend specific actions, under each of these general elements, to achieve an effective safety and health program. A single free copy of the guidelines can be obtained from the OSHA Publications Office, U.S. Department of Labor, P.O. Box 37535, Washington, DC 20013-7535 by sending a self-addressed mail label with your request.

State Programs

The *Occupational Safety and Health Act of 1970* encourages states to develop and operate their own job safety and health plans. OSHA approves and monitors these plans. There are currently 25 state plan states: 23 of these states administer plans covering both private and public (state and local government) employment; the other 2 states, Connecticut and New York, cover the public sector only.

The 25 states and territories with their own OSHA-approved occupational safety and health plans must adopt standards identical to, or at least as effective as, the federal standards. Until a state standard is promulgated, OSHA will provide interim enforcement assistance, as appropriate, in these states. A listing of states with approved plans appears at the end of this publication.

Free Onsite Consultation

Free onsite safety and health consultation assistance is available in all states who want help in establishing and maintaining a safe and healthful workplace. Primarily developed for smaller employers with more hazardous operations, the consultation service is largely funded by OSHA and is delivered by state governments employing professional safety consultants and health consultants. Comprehensive assistance includes an appraisal of all mechanical, physical work practices, and environmental hazards of the workplace and all aspects of the employer's present job safety and health program. In addition, the service assists employers with developing and implenting an effective workplace safety and health program that corrects and continuously addresses safety and health concerns.

This program is completely separate from OSHA's inspection efforts. No penalties are proposed or citations issued for any safety and health problems identified by the consultant. The service is confidential.

For more information concerning consultation assistance, see the list of state consultation projects at the end of this publication.

Voluntary Protection Programs (VPP)

The Voluntary Protection Programs are designed to recognize and promote effective safety and health program management. In the VPP, management, labor, and OSHA establish cooperative relationships at workplaces that have implemented strong programs.

Sites approved for VPP's Star, Merit, and Demonstration programs have met, and must continue to meet, rigorous participation standards. Benefits of VPP participation include improved employee motivation to work safely, leading to better quality and productivity; lost-workday case rates that generally are 60 to 80 percent below industry averages; reduced workers' compensation and other injury- and illness-related costs; positive community recognition and interaction; further improvement and revitalization of already good safety and health programs; and partnership with OSHA.

For additional information about the VPP, contact the VPP manager in your OSHA Regional Office, listed at the end of this publication.

Training and Education

OSHA's area offices offer a variety of informational services, such as publications, audiovisual aids, technical advice, and speakers for special engagements. OSHA's Training Institute in Des Plaines, IL, provides basic and advanced courses in safety and health for federal and state compliance officers, state consultants, federal agency personnel, and private sector employers, employees, and their representatives.

In addition, the Training Institute has estalished OSHA Training Institute Education Centers to address the increased demand for its courses from the private sector and from other federal agencies. These centers are nonprofit colleges, universities, and other organizations that have been selected after a competition for participation in the program.

OSHA also provides funds to nonprofit organizations, through grants, to conduct workplace training and education in subjects where OSHA believes there is a lack of workplace training. Grants are awarded annually. Grant recipients are expected to contribute a matching share of at least 20 percent of the total grant cost.

For more information on grants, training, and education, contact the OSHA Training Institute, Office of Training and Education, 1555 Times Drive, Des Plaines, IL 60018, (847) 297-4810; or (847) 297-4874 fax.

Electronic Information

Labor News Bulletin Board—OSHA news releases, recent *Federal Register* notices, fact sheets, and other information are available by modem by dialing (202) 219-4784. Callers should set the modem at 300, 1,200, 2,400, 9,600, or 14,400 BAUD; Parity: None; Data Bits=8; Stop Bit=1. Voice phone: (202) 219-8831.

Internet—OSHA standards, interpretations, directives, and additional information are now on the World Wide Web at http://www.osha.gov/ and http://www.osha-slc.gov/.

CD-ROM—A wide variety of OSHA materials including standards, interpretations, directives, and more can be purchased on CD-ROM from the Government Printing Office. To order, write to Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954. Specify OSHA Regulations, Documents, and Technical Information on CD-ROM, (ORDT), S/N 729-013-00000-5. The price is $38.00 per year ($47.50 foreign); single copy $15.00 ($18.75 foreign).

Emergencies

To report life-threatening situations, catastrophes, or fatalities, call (800) 321-OSHA. Complaints will go immediately to the nearest OSHA area or state office for help.

For further information on any OSHA program, contact your nearest OSHA area or regional office listed at the end of this publication.

OSHA Related Publications

Single free copies of the following publications can be obtained from the OSHA Publications Office, P.O. Box 37535, Washington, DC 20013-7535. Send a self-addressed mailing label with your request.

All About OSHA - OSHA 2056
Chemical Hazard Communication - OSHA 3084
Consultation Services for the Employer - OSHA 3047
Employee Workplace Rights - OSHA 3021
Employer Responsibility and Course of Action Following an OSHA Inspection - OSHA 3000

The following publications are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800; (202) 512-2250 fax. Include GPO Order No. and make checks payable to Superintendent of Documents.

Construction Industry Digest (OSHA 2202)
Order No. 029-016-00151-4; cost $2.25.
Ergonomics: The Study of Work (OSHA 3125)
Order No. 029-016-00124-7; cost $1.00.
General Industry Digest (OSHA 2201)
Order No. 029-016-00155-2; cost $2.25.
Handbook for Small Business (OSHA 2209)
Order No. 029-016-00144-1; cost $6.50.
Hazard Communication—A Compliance Kit (OSHA 3104) (A reference guide to step-by-step requirements for compliance with the OSHA standard.) Order No. 029-016-00147-6; cost $18.00 domestic; $22.50 foreign.
Hazard Communication Guidelines for Compliance (OSHA 3111)
Order No. 029-016-00163-8; cost $1.50.
Job Hazard Analysis (OSHA 3071)
Order No. 029-016-00142-5; cost $1.00.
Training Requirements in OSHA Standards and Training Guidelines (OSHA 2254) Order No. 029-016-00160-3; cost $6.00.

States with Approved Plans

Commissioner
Alaska Department of Labor
1111 West 8th Street
Room 306
Juneau, AK 99801
(907) 465-2700

Director
Industrial Commission of Arizona
800 W. Washington
Phoenix, AZ 85007
(602) 542-5795

Director
California Department
of Industrial Relations
45 Fremont Street
San Francisco, CA 94105
(415) 972-8835

Commissioner
Connecticut Department
of Labor
200 Folly Brook Boulevard
Wethersfield, CT 06109
(860) 566-5123

Director
Hawaii Department of Labor
and Industrial Relations
830 Punchbowl Street
Honolulu, HI 96813
(808) 586-8844

Commissioner
Indiana Department of Labor
State Office Building
402 West Washington Street
Room W195
Indianapolis, IN 46204
(317) 232-2378

Commissioner
Iowa Division of Labor Services
1000 E. Grand Avenue
Des Moines, IA 50319
(515) 281-3447

Secretary
Kentucky Labor Cabinet
1049 U.S. Highway, 127 South
Frankfort, KY 40601
(502) 564-3700

Commissioner
Maryland Division of Labor
and Industry
Department of Labor, Licensing,
and Regulation
501 St. Paul Place, 2nd Floor
Baltimore, MD 21202-2272
(410) 333-4179

Director
Michigan Department of Labor
Victor Office Center
201 N. Washington Square
P.O. Box 30015
Lansing, MI 48933
(517) 373-9600

Director
Michigan Department
of Public Health
3423 North Logan Street
Box 30195
Lansing, MI 48909
(517) 335-8022

Commissioner
Minnesota Department of Labor and Industry
443 Lafayette Road
St. Paul, MN 55155
(612) 296-2342

Director
Nevada Department of Industrial Relations
400 West King St.
Carson City, NV 97502
(702) 687-3032

Secretary
New Mexico Environment Department
1190 St. Francis Drive
P.O. Box 26110
Santa Fe, NM 87502
(505) 827-2850

Commissioner
New York Department of Labor
W. Averell Harriman State Office Building
Room 500
Albany, NY 12240
(518) 457-2741

Commissioner
North Carolina Department of Labor
319 Chapanoke Road
Raleigh, NC 27603
(919) 662-4585

Administrator
Department of Consumer and Business Services
Labor and Industries Building
Occupational Safety and Health Division
Room 430
Salem, OR 97310
(503) 378-3272

Secretary
Puerto Rico Department of Labor and Human Resources
Prudencio Rivera Martinez Building
505 Munoz Rivera Avenue
Hato Rey, PR 00918
(809) 754-2119

Commissioner
South Carolina Department of Labor, Licensing, and Regulation
3600 Forest Drive
P.O. Box 11329
Columbia, SC 29211-1329
(803) 734-9594

Commissioner
Tennessee Department of Labor
710 James Robertson Parkway
Nashville, TN 37243-0659
(615) 741-2582

Commissioner
Industrial Commission of Utah
160 East 300 South, 3rd Floor
P.O. Box 146600
Salt Lake City, UT 84110-6600
(801) 530-6898

Commissioner
Vermont Department of Labor
and Industry
National Life Bldg. Drawer 20
120 State Street
Montpelier, VT 05620
(802) 828-2288

Commissioner
Virgin Islands Department
of Labor
2131 Hospital Street
Box 890, Christiansted
St. Croix, VI 00820-4666
(809) 773-1994

Commissioner
Virginia Department of Labor
and Industry
Powers-Taylor Building
13 South 13th Street
Richmond, VA 23219
(804) 786-2377

Director
Washington Department
of Labor and Industries
General Administration Building
P.O. Box 44000
Olympia, WA 98504-4000
(360) 902-4200

Administrator
Workers' Safety
and Compensation Division
Herschler Building
2nd Floor East
122 West 25th Street
Cheyenne, WY 82002
(307) 777-7672

OSHA Consultation Project Directory

State	Telephone
Alabama	(205) 348-3033
Alaska	(907) 269-4957
Arizona	(602) 542-5795
Arkansas	(501) 682-4522
California	(415) 972-8515
Colorado	(970) 491-6151
Connecticut	(203) 566-4550
Delaware	(302) 761-8219
District of Columbia	(202) 576-6339
Florida	(904) 488-3044
Georgia	(404) 894-2643
Guam	(671) 475-0136
Hawaii	(808) 586-9100
Idaho	(208) 385-3283
Illinois	(312) 814-2337
Indiana	(317) 232-2688
Iowa	(515) 281-5352
Kansas	(913) 296-7476
Kentucky	(502) 564-6896
Louisiana	(504) 342-9601
Maine	(207) 624-6460
Maryland	(410) 333-4210
Massachusetts	(617) 727-3982
Michigan	(517) 335-8250(H)
	(517) 322-1809(S)
Minnesota	(612) 297-2392
Mississippi	(601) 987-3981
Missouri	(573) 751-3403
Montana	(406) 444-6418
Nebraska	(402) 471-4717
Nevada	(702) 486-5016
New Hampshire	(603) 271-2024
New Jersey	(609) 292-3923
New Mexico	(505) 827-4230
New York	(518) 457-2481
North Carolina	(919) 662-4644
North Dakota	(701) 328-5188
Ohio	(614) 644-2246
Oklahoma	(405) 528-1500

Oregon	(503) 378-3272
Pennsylvania	(412) 357-2561
Puerto Rico	(809) 754-2188
Rhode Island	(401) 277-2438
South Carolina	(803) 734-9614
South Dakota	(605) 688-4101
Tennessee	(615) 741-7036
Texas	(512) 440-3834
Utah	(801) 530-6868
Vermont	(802) 828-2765
Virginia	(804) 786-6359
Virgin Islands	(809) 772-1315
Washington	(360) 902-5638
West Virginia	(304) 558-7890
Wisconsin	(608) 266-8579(H)
	(414) 521-5063(S)
Wyoming	(307) 777-7786

(H) - Health
(S) - Safety

OSHA Area Offices

Area	Telephone
Albany, NY	(518) 464-6742
Albuquerque, NM	(505) 248-5302
Allentown, PA	(610) 776-0592
Anchorage, AK	(907) 271-5152
Appleton, WI	(414) 734-4521
Austin, TX	(512) 916-5783
Avenel, NJ	(908) 750-3270
Baltimore, MD	(410) 962-2840
Bangor, ME	(207) 941-8177
Baton Rouge, LA	(504) 389-0474
Bayside, NY	(718) 279-9060
Bellevue, WA	(206) 553-7520
Billings, MT	(406) 247-7494
Birmingham, AL	(205) 731-1534
Bismarck, ND	(701) 250-4521
Boise, ID	(208) 334-1867
Bowmansville, NY	(716) 684-3891
Braintree, MA	(617) 565-6924
Bridgeport, CT	(203) 579-5579
Calumet City, IL	(708) 891-3800
Carson City, NV	(702) 885-6963
Charleston, WV	(304) 347-5937
Cincinnati, OH	(513) 841-4132
Cleveland, OH	(216) 522-3818
Columbia, SC	(803) 765-5904
Columbus, OH	(614) 469-5582
Concord, NH	(603) 225-1629
Corpus Christi, TX	(512) 888-3420
Dallas, TX	(214) 320-2400
Denver, CO	(303) 844-5285
Des Plaines, IL	(847) 803-4800
Des Moines, IA	(515) 284-4794
Englewood, CO	(303) 843-4500
Erie, PA	(814) 833-5758
Fort Lauderdale, FL	(954) 424-0242
Fort Worth, TX	(817) 581-7303
Frankfort, KY	(502) 227-7024
Guaynabo, PR	(787) 277-1560
Harrisburg, PA	(717) 782-3902

Hartford, CT	(203) 240-3152
Hasbrouck Heights, NJ	(201) 288-1700
Honolulu, HI	(808) 541-2685
Houston, TX	(713) 286-0583
Houston, TX	(713) 591-2438
Indianapolis, IN	(317) 226-7290
Jackson, MS	(601) 965-4606
Jacksonville, FL	(904) 232-2895
Kansas City, MO	(816) 483-9531
Lansing, MI	(517) 377-1892
Little Rock, AR	(501) 324-6292
Lubbock, TX	(806) 743-7681
Madison, WI	(608) 264-5388
Marlton, NJ	(609) 757-5181
Methuen, MA	(617) 565-8110
Milwaukee, WI	(414) 297-3315
Minneapolis, MN	(612) 348-1994
Mobile, AL	(334) 441-6131
Nashville, TN	(615) 781-5423
New York, NY	(212) 466-2482
Norfolk, VA	(804) 441-3820
North Aurora, IL	(630) 896-8700
Oklahoma City, OK	(405) 231-5351
Omaha, NE	(402) 221-3182
Parsippany, NJ	(201) 263-1003
Peoria, IL	(309) 671-7033
Philadelphia, PA	(215) 597-4955
Phoenix, AZ	(602) 640-2007
Pittsburgh, PA	(412) 644-2903
Portland, OR	(503) 326-2251
Providence, RI	(401) 528-4669
Raleigh, NC	(919) 856-4770
Salt Lake City, UT	(801) 487-0073
San Francisco, CA	(415) 975-4310
Savannah, GA	(912) 652-4393
Smyrna, GA	(770) 984-8700
Springfield, MA	(413) 785-0123
St. Louis, MO	(314) 425-4249
Syracuse, NY	(315) 451-0808
Tampa, FL	(813) 626-1177

Tarrytown, NY	(914) 524-7510
Toledo, OH	(419) 259-7542
Tucker, GA	(404) 493-6644
Westbury, NY	(516) 334-3344
Wichita, KS	(316) 269-6644
Wilkes-Barre, PA	(717) 826-6538

U.S. Department of Labor
Occupational Safety and Health Administration
Regional Offices

Region I
(CT,* MA, ME, NH, RI, VT*)
JFK Federal Building
Room E-340
Boston, MA 02114
Telephone: (617) 565-9860

Region II
(NJ, NY,* PR,* VI*)
201 Varick Street
Room 670
New York, NY 10014
Telephone: (212) 337-2378

Region III
(DC, DE, MD,* PA, VA,* WV)
Gateway Building, Suite 2100
3535 Market Street
Philadelphia, PA 19104
Telephone: (215) 596-1201

Region IV
(AL, FL, GA, KY,* MS, NC,* SC,* TN*)
1375 Peachtree Street, N.E.
Suite 587
Atlanta, GA 30367
Telephone: (404) 347-3573

Region V
(IL, IN,* MI,* MN,* OH, WI)
230 South Dearborn Street
Room 3244
Chicago, IL 60604
Telephone: (312) 353-2220

Region VI
(AR, LA, NM,* OK, TX)
525 Griffin Street
Room 602
Dallas, TX 75202
Telephone: (214) 767-4731

Region VII
(IA,* KS, MO, NE)
City Center Square
1100 Maine Street, Suite 800
Kansas City, MO 64105
Telephone: (816) 426-5861

Region VIII
(CO, MT, ND, SD, UT,* WY*)
Suite 1690
1999 Broadway
Denver, CO 80802-5716
Telephone: (303) 844-1600

Region IX
(American Samoa, AZ,* CA,* Guam, HI,* NV,* Trust Territories of the Pacific)
71 Stevenson Street
4th Floor
San Francisco, CA 94105
Telephone: (415) 975-4310

Region X
(AK,* ID, OR,* WA*)
1111 Third Avenue
Suite 715
Seattle, WA 98101-3212
Telephone: (206) 553-5930

*These states and territories operate their own OSHA-approved job safety and health programs (Connecticut and New York plans cover public employees only). States with approved programs must have a standard that is identical to, or at least as effective as, the federal standard.

How to Prepare for Workplace Emergencies

U.S. Department of Labor
Occupational Safety and Health Administration

OSHA 3088
1995 (Revised)

93

This informational booklet is intended to provide a generic, non-exhaustive overview of a particular standards-related topic. This publication does not itself alter or determine compliance responsibilities, which are set forth in OSHA standards themselves and the *Occupational Safety and Health Act*.

Moreover, because interpretations and enforcement policy may change over time, for additional guidance on OSHA compliance requirements, the reader should consult current administrative interpretations and decisions by the Occupational Safety and Health Review Commission and the courts.

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This information will be made available to sensory impaired individuals upon request.
Voice phone: (202) 219-8615;
Telecommunications Device for the Deaf (TDD) message referral phone: (800) 326-2577.

How to Prepare for Workplace Emergencies

U.S. Department of Labor
Robert B. Reich, Secretary

Occupational Safety and Health Administration
Joseph A. Dear, Assistant Secretary

OSHA 3088
1995 (Revised)

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Introduction

The importance of an effective workplace safety and health program cannot be overemphasized. There are many benefits from such a program including increased productivity, improved employee morale, reduced absenteeism and illness, and reduced workers' compensation rates; however, incidents still occur in spite of efforts to prevent them. Therefore, proper planning for emergencies is necessary to minimize employee injury and property damage.

Purpose

This publication details the basic steps to handle emergencies in the workplace. These emergencies include accidental releases of toxic gases, chemical spills, fires, explosions, and bodily harm and trauma caused by workplace violence. This publication is intended to assist small businesses that do not have safety and health professionals. It is not intended as an all inclusive safety program but rather to provide guidelines for planning for emergencies. It is hoped that businesses without safety and health plans will utilize one of the consultation sources listed on pages 12 or 13 to help develop guidelines for their plants and to obtain training for their personnel. Many companies already have programs in effect. For these companies, this document can assist in updating and revising existing programs.

Planning

The effectiveness of response during emergencies depends on the amount of planning and training performed. Management must show its support for plant safety programs and the importance of emergency planning. If management is not interested in employee protection and in minimizing property loss, little can be done to promote a safe workplace. It is therefore management's responsibility to see that a program is instituted and that it is frequently reviewed and updated. The input and support of all employees must be obtained to ensure an effective program. The emergency response plan should be developed locally and should be comprehensive enough to deal with all types of emergencies specific to that site. When emergency action plans are required by a particular OSHA standard, the plan must be in writing; except for firms with 10 or fewer employees, the plan may be communicated orally to employees. The plan must include, as a minimum, the following elements:

(1) Emergency escape procedures and emergency escape route assignments,

(2) Procedures to be followed by employees who remain to perform (or shut down) critical plant operations before the plant is evacuated,

(3) Procedures to account for all employees after emergency evacuation has been completed,

(4) Rescue and medical duties for those employees who are to perform them,

(5) The preferred means for reporting fires and other emergencies, and

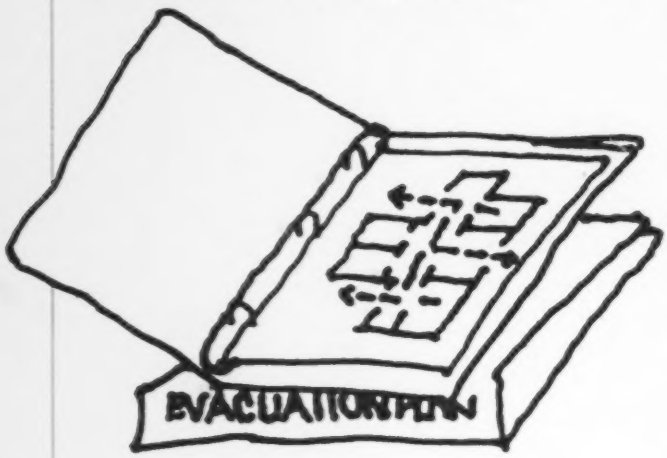
(6) Names or regular job titles of persons or departments to be contacted for further information or explanation of duties under the plan.

The emergency action plan should address all potential emergencies that can be expected in the workplace. Therefore, it will be necessary to perform a hazard audit to determine toxic materials in the workplace, hazards, and potentially dangerous conditions. For information on chemicals, the manufacturer or supplier can be contacted to obtain Material Safety Data Sheets. These forms describe the hazards that a chemical may present, list precautions to take when handling, storing, or using the substance, and outline emergency and first-aid procedures.

The employer must list in detail the procedures to be taken by those employees who must remain behind to care for essential plant operations until their evacuation becomes absolutely necessary. This may include monitoring plant power supplies, water supplies, and other essential services that cannot be shut down for every emergency alarm, and use of fire extinguishers.

For emergency evacuation, the use of floor plans or workplace maps that clearly show the emergency escape routes and safe or refuge areas should be included in the plan. All employees must be told what actions they are to take in emergency situations that may occur in the workplace, such as a designated meeting location after evacuation.

This plan must be reviewed with employees initially when the plan is developed, whenever the employees' responsibilities under the plan change, and whenever the plan is changed. A copy should be kept where employees can refer to it at convenient times. In fact, to go a step further, the employer could provide the employees with a copy of the plan, particularly all new employees.



Chain of Command

A chain of command should be established to minimize confusion so that employees will have no doubt about who has authority for making decisions. Responsible individuals should be selected to coordinate the work of the emergency response team. In larger organizations, there may be a plant coordinator in charge of plant-wide operations, public relations, and ensuring that outside aid is called in. Because of the importance of these functions, adequate backup must be arranged so that trained personnel are always available. The duties of the Emergency Response Team Coordinator should include the following:

(1) Assessing the situation and determining whether an emergency exists that requires activating the emergency procedures,

(2) Directing all efforts in the area including evacuating personnel,

(3) Ensuring that outside emergency services such as medical aid and local fire departments are called in when necessary, and

(4) Directing the shutdown of plant operations when necessary.

Communications

During a major emergency involving a fire or explosion it may be necessary to evacuate offices in addition to manufacturing areas. Also, normal services, such as electricity, water, and telephones, may be nonexistent. Under these conditions, it may be necessary to have an alternate area to which employees can report or that can act as a focal point for incoming and outgoing calls. Since time is an essential element for adequate response, the person designated as being in charge should make this the alternate headquarters so that he/she can be easily reached.

Emergency communications equipment such as amateur radio systems, public address systems, or portable radio units should be present for notifying employees of the emergency and for contacting local authories, such as law enforcement officials, private sector charitable groups, and the fire department.

A method of communication also is needed to alert employees to the evacuation or to take other action as required in the plan. Alarms must be audible or seen by all people in the plant and have an auxiliary power supply in the event electricity is affected. The alarm must be distinctive and recognizable as a signal to evacuate the work area or perform actions designated under the emergency action plan. The employer must explain to each employee the means for reporting emergencies, such as manual pull box alarms, public address systems, or telephones. Emergency phone numbers should be posted on or near telephones, on employees' notice boards, or in other conspicuous locations. The warning plan should be in writing and management must be sure each employee knows what it means and what action is to be taken.

It may be necessary to notify other key personnel such as the plant manager or physician during off-duty hours. An updated written list of key personnel should be kept listed in order of priority.

Accounting for Personnel

Management will need to know when all personnel have been accounted for. This can be difficult during shift changes or if contractors are on site. A responsible person in the control center must be appointed to account for personnel and to inform police or Emergency Response Team members of those persons believed missing.

Emergency Response Teams

Emergency Response Teams are the first line of defense in emergencies. Before assigning personnel to these teams, the employer must assure that employees are physically capable of performing the duties that may be assigned to them. Depending on the size of the plant there may be one or several teams trained in the following areas:

(1) Use of various types of fire extinguishers,

(2) First aid, including cardiopulmonary resuscitation (CPR),

(3) Shutdown procedures,

(4) Evacuation procedures,

(5) Chemical spill control procedures,

(6) Use of self-contained breathing apparatus (SCBA),

(7) Search and emergency rescue procedures,

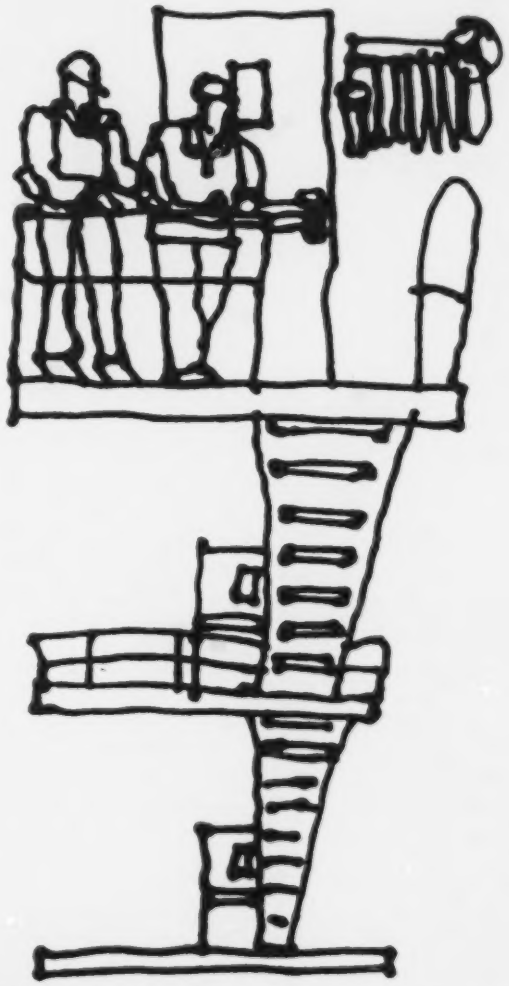
(8) Incipient and advanced stage firefighting, and

(9) Trauma counseling.

The type and extent of the emergency will depend on the plant operations and the response will vary according to the type of process, the material handled, the number of employees, and the availability of outside resources. OSHA's Hazard Communication Standard (29 CFR part 1910.1200) is designed to ensure that the hazards of all chemicals produced or imported are evaluated and that information concerning their hazards is transmitted to employers and employees. This is done by means of comprehensive hazard communication programs including container labeling and other forms of warnings, material safety data sheets, and employee training. Emergency Response Teams should be trained in the types of possible emergencies and the emergency actions to be performed. They are to be informed about special hazards—such as storage and use of flammable materials, toxic chemicals, radioactive sources, and water-reactive substances—to which they may be exposed during fire and other emergencies. It is important to determine when not to intervene. For example, team members must be able to determine if the fire is too large for them to handle or whether search and emergency rescue procedures should be performed. If there is the possibility of members of the Emergency Response Team receiving fatal or incapacitating injuries, they should wait for professional firefighters or emergency response groups.

Training

Training is important to the effectiveness of an emergency plan. Before implementing an emergency action plan, a sufficient number of persons must be trained to assist in the safe and orderly evacuation of employees. Training for each type of disaster response is necessary so that employees know what actions are required.



In addition to the specialized training for Emergency Response Team members, all employees should be trained in the following:

(1) Evacuation plans,

(2) Alarm systems,

(3) Reporting procedures for personnel,

(4) Shutdown procedures, and

(5) Types of potential emergencies.

These training programs must be provided as follows:

(1) Initially when the plan is developed,

(2) For all new employees,

(3) When new equipment, materials, or processes are introduced,

(4) When procedures have been updated or revised,

(5) When exercises show that employee performance must be improved, and

(6) At least annually.

The emergency control procedures should be written in concise terms and be made available to all personnel. A drill should be held for all personnel, at random intervals at least annually, and an evaluation of performance made immediately by management and employees. When possible, drills should include groups supplying outside services such as fire and police departments. In buildings with several places of employment, the emergency plans should be coordinated with other companies and employees in the building. Finally, the emergency plan should be reviewed periodically and updated to maintain adequate response personnel and program efficiency.

Personal Protection

Effective personal protection is essential for any person who may be exposed to potentially hazardous substances. In emergency situations employees may be exposed to a wide variety of hazardous circumstances, including:

(1) Chemical splashes or contact with toxic materials,

(2) Falling objects and flying particles,

(3) Unknown atmospheres that may contain toxic gases, vapors or mists, or inadequate oxygen to sustain life,

(4) Fires and electrical hazards, and

(5) Violence in the workplace.

It is extremely important that employees be adequately protected in these situations. Some of the safety equipment that may be used includes:

(1) Safety glasses, goggles, or face shields for eye protection,

(2) Hard hats and safety shoes for head and foot protection,

(3) Proper respirators for breathing protection,

(4) Whole body coverings—chemical suits, gloves, hoods, and boots for body protection from chemicals, and

(5) Body protection for abnormal environmental conditions such as extreme temperatures.

The equipment selected must meet the criteria contained in the OSHA standards or described by a nationally recognized standards producing organization. The choice of proper equipment is not a simple matter and consultation should be made with health and safety professionals before making any purchases. Manufacturers and distributors of health and safety products may be able to answer questions if they have enough information about the potential hazards involved.

Professional consultation will most likely be needed in providing adequate respiratory protection. Respiratory protection is necessary for toxic atmospheres of dust, mists, gases, or vapors and for oxygen-deficient atmospheres. There are four basic categories of respirators:

(1) Air-purifying devices (filters, gas masks, and chemical cartridges), which remove contaminants from the air but cannot be used in oxygen-deficient atmospheres.

(2) Air-supplied respirators (hose masks, air line respirators), which should not be used in atmospheres that are immediately dangerous to life or health.

(3) Positive-pressure self-contained breathing apparatus (SCBA), which are required for unknown atmospheres, oxygen-deficient atmospheres, or atmospheres immediately dangerous to life or health.

(4) Escape masks.

Before assigning or using respiratory equipment the following conditions must be met:

(1) A medical evaluation should be made to determine if the employees are physically able to use the respirator.

(2) Written procedures must be prepared covering safe use and proper care of the equipment, and employees must be trained in these procedures and in the use and maintenance of respirators.

(3) A fit test must be made to determine a proper match between the facepiece of the respirator and the face of the wearer. This testing must be repeated periodically. Training must provide the employee an opportunity to handle the respirator, have it fitted properly, test its facepiece-to-face seal, wear it in normal air for a familiarity period, and wear it in a test atmosphere.

(4) A regular maintenance program must be instituted including cleaning, inspecting, and testing of all respiratory equipment. Respirators used for emergency response must be inspected after each use and at least monthly to assure that they are in satisfactory working condition. A written record of inspection must be maintained.

(5) Distribution areas for equipment used in emergencies must be readily accessible to employees.

A positive-pressure self-contained breathing apparatus (SCBA) offers the best protection to employees involved in controlling emergency situations. It must have a minimum service life rating of at least 30 minutes. Conditions that require a positive-pressure SCBA include the following:

(1) Leaking cylinders or containers, smoke from chemical fires, or chemical spills that indicate high potential for exposure to toxic substances.

(2) Atmospheres with unknown contaminants or unknown contaminant concentrations, confined spaces that may contain toxic substances, or oxygen-deficient atmospheres.

Emergency situations may involve entering confined spaces to rescue employees who are overcome by toxic compounds or who lack oxygen. These permit-required confined spaces include tanks, vaults, pits, sewers, pipelines, and vessels. Entry into permit-required confined spaces can expose the employee to a variety of hazards, including toxic gases, explosive atmospheres, oxygen deficiency, electrical hazards, and hazards created by mixers and impellers that have not been deactivated and locked out. Personnel must never enter a permit-required confined space unless the atmosphere has been tested for adequate oxygen, combustibility, and toxic substances. Conditions in a permit-required confined space must be considered immediately dangerous to life and health unless shown otherwise. If a permit-required confined space must be entered in an emergency, the following precautions must be adhered to:

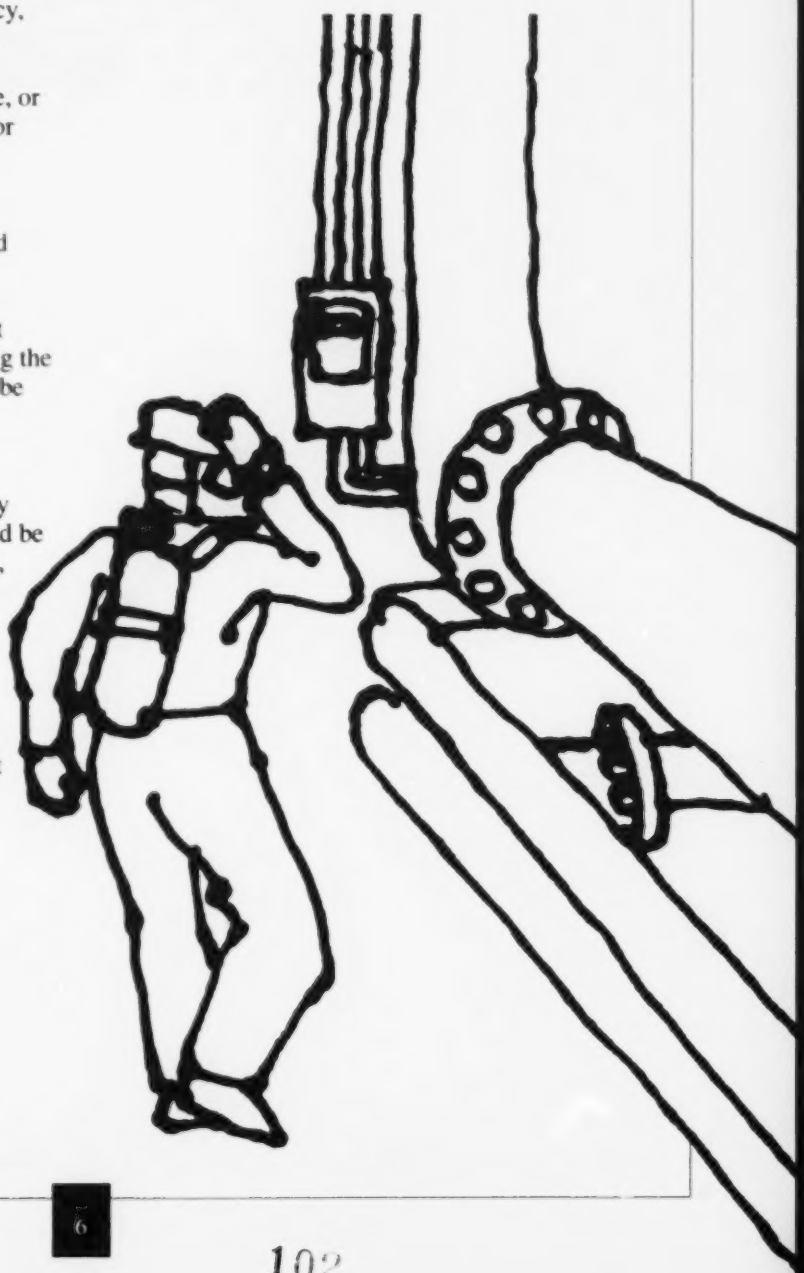
(1) All lines containing inert, toxic, flammable, or corrosive materials must be disconnected or blocked off before entry.

(2) All impellers, agitators, or other moving equipment inside the vessel must be locked out.

(3) Appropriate personal protective equipment must be worn by employees before entering the vessel. Mandatory use of harnesses must be stressed.

(4) Rescue procedures must be specifically designed for each entry. A trained stand-by person must be present. This person should be assigned a fully charged, positive-pressure, self-contained breathing apparatus with a full facepiece. The stand-by person must maintain unobstructed lifelines and communications to all workers within the permit-required confined space and be prepared to summon rescue personnel if necessary. The stand-by person should not enter the confined space until adequate assistance is present. While awaiting rescue personnel, the stand-by person may make a rescue attempt utilizing lifelines from outside the permit-required confined space.

A more complete description of procedures to follow while working in confined spaces may be found in the OSHA standard for permit-required confined spaces, 29 CFR 1910.145 and the National Institute for Occupational Safety and Health (NIOSH) Publication Number 80-106, *Criteria for a Recommended Standard...Working in Confined Spaces.*



Medical Assistance

In a major emergency, time is critical factor in minimizing injuries. Most small businesses do not have a formal medical program, but they are required to have the following medical and first-aid services:

(1) In the absence of an infirmary, clinic, or hospital in close proximity to the workplace that can be used for treatment of all injured employees, the employer must ensure that a person or persons are adequately trained to render first aid. The first aid is to begin within 3 to 4 minutes of the incident if the injury is of a serious nature.

(2) Where the eyes or body of any employee may be exposed to injurious corrosive materials, eye washes or suitable equipment for quick drenching or flushing must be provided in the work area for immediate emergency use. Employees must be trained to use the equipment.

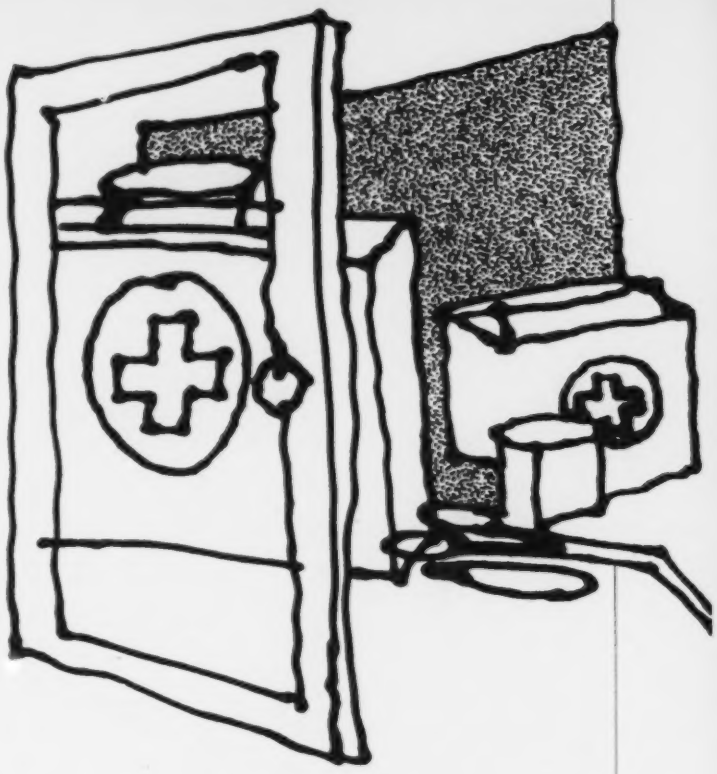
(3) The employer must ensure the ready availability of medical personnel for advice and consultation on matters of employees' health. This does not mean that health care must be provided, but rather that, if health problems develop in the workplace, medical help will be available to resolve them.

To fulfill the above requirements, the following actions should be considered:

(1) Survey the medical facilities near the place of business and make arrangements to handle routine and emergency cases. A written emergency medical procedure should then be prepared for handling accidents with minimum confusion.

(2) If the business is located far from medical facilities, at least one and preferably more employees on each shift must be adequately trained to render first aid. The American Red Cross, some insurance carriers, local safety councils, fire departments, and others may be contacted for this training.

(3) First-aid supplies should be provided for emergency use. This equipment should be ordered through consultation with a physician.



(4) Emergency phone numbers should be posted in conspicuous places near or on telephones.

(5) Sufficient ambulance service should be available to handle any emergency. This requires advance contact with ambulance services to ensure they become familiar with plant location, access routes, and hospital locations.

Security

During an emergency, it is often necessary to secure the area to prevent unauthorized access and to protect vital records and equipment. An off-limits area must be established by cordoning off the area with ropes and signs. It may be necessary to notify local law enforcement personnel or to employ private security personnel to secure the area and prevent the entry of unauthorized personnel.

Certain records also may need to be protected, such as essential accounting files, legal documents, and lists of employees' relatives to be notified in case of emergency. These records may be stored in duplicate outside the plant or in protected secure locations within the plant.

Some OSHA Requirements

The following is a list of some of the OSHA requirements pertaining to emergency response. These references refer to appropriate sections of the Occupational Safety and Health Standards (*Title 29, Code of Federal Regulations, Part 1910*, which are the OSHA General Industry Standards).

If additional information is required call the nearest OSHA Area Office listed on page 13 or State Plan Office on page 14 of this booklet.

Subpart E - Means of Egress

1910.37 Means of egress
1910.38 Employee emergency plans and fire prevention plans
Appendix to Subpart E - Means of egress

Subpart H - Hazardous Materials

1910.119 Process safety management of highly hazardous chemicals
1910.120 Hazardous waste operations and emergency response.

Subpart I - Personal Protective Equipment

1910.132 General requirements - personnel protection
1910.133 Eye and face protection
1910.134 Respiratory protection
1910.135 Occupational head protection
1910.136 Occupational foot protection
1910.138 Hand protection

Subpart J - General Environmental Controls

1910.146 Permit-required confined spaces
1910.147 Control of hazardous energy sources

Subpart K - Medical and First Aid

1910.151 Medical services and first aid

Subpart L - Fire Protection

1910.155-156 Fire protection and fire brigades
1910.157-163 Fire suppression equipment
1910.164 Fire detection systems
1910.165 Employee alarm systems
Appendix A-E of Subpart L

Subpart R - Special Industries, Electrical Power Generation, Transmission, and Distribution

Subpart Z - Toxic and Hazardous Substances

1910.1030 Bloodborne pathogens
1910.1200 Hazard communication

Information and Consultation Services

Much of the planning and program development for responding to occupational emergencies will require professional assistance. Many public and private agencies provide information and services free or at minimal cost (e.g., Federal, State, and local health and labor departments, insurance carriers, and local universities). After having exhausted these sources, consider using a private consultant selected by matching his/her specialty with your specific needs.

If there is a carrier for workers' compensation insurance, that company probably has safety and health specialists on staff who are familiar with minimum standards and technical information currently available and may be quite helpful in advising about accident and illness prevention and control.

Trade associations often have technical materials, programs, and industry data available for specific needs.

The Department of Labor through the Occupational Safety and Health Administration (OSHA) provides information in interpreting the law and on meeting the applicable standards. This information is available free of charge or obligation. The OSHA Area Office or State Plan Office nearest to the plant may be contacted for this information.

The Department of Health and Human Services through the National Institute for Occupational Safety and Health (NIOSH) provides printed material relating to employee safety and health in the workplace. Staff from this agency will perform industrial hygiene surveys of plants upon request of employers or employees. See the listing on page 15.

Machine or product manufacturers can be helpful in providing additional information on precautions to take in using their products. Any special problems should be referred to them first.
Professional societies in the safety, industrial hygiene, and medical fields issue publications in the form of journals, pamphlets, and books that may be quite useful (e.g., American Society of Safety Engineers or the Occupational Health Institute). They can also recommend individuals from their societies to serve as consultants.

Local colleges and universities sometimes have industrial hygiene, public health, medical, or other relevant departments with faculty and libraries to assist.

Other Sources of OSHA Assistance

Effective management of worker safety and health protection is a decisive factor in reducing the extent and severity of work-related injuries and their related costs. To assist employers and employees in developing effective safety and health programs, OSHA published recommended *Safety and Health Management Guidelines* (*Federal Register* 54(18): 3908-3916, January 26, 1988). These voluntary guidelines apply to all places of employment covered by OSHA.

The guidelines identify four general elements that are critical to the development of a successful safety and health management program:

(1) Management commitment and employee involvement;

(2) Worksite analysis;

(3) Hazard prevention and control; and

(4) Safety and health training.

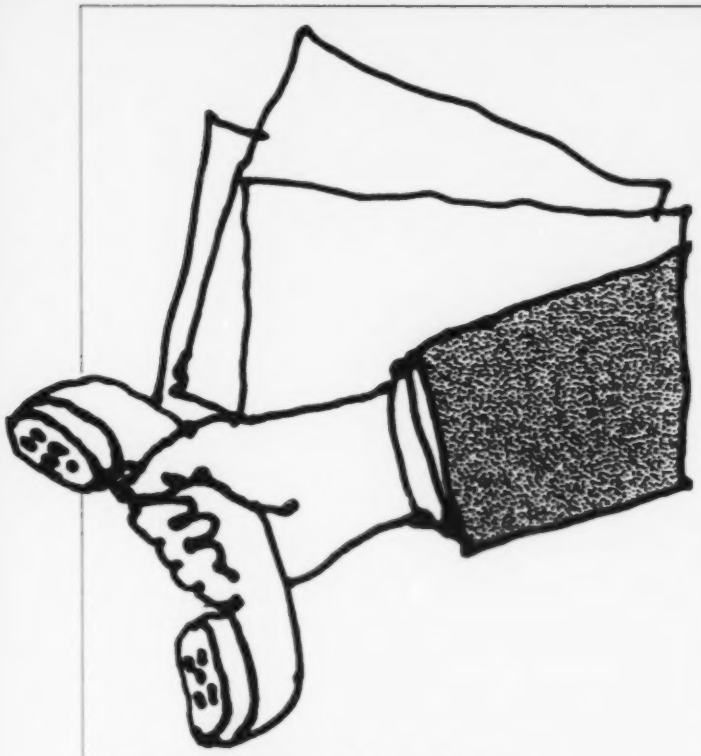
The guidelines recommend specific actions, under each of these general elements, to achieve an effective safety and health program. A single free copy of the guidelines can be obtained from the OSHA Publications Office, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N3101, Washington DC 20210, by sending a self-addressed mail label with your request.

State Occupational Safety and Health Plans

The *Occupational Safety and Health Act of 1970*, under Section 18(b), encourages States to develop and operate their own State job safety and health plans under the approval and monitoring of OSHA. Twenty-five states and territories operate such plans. They are required to set standards that are at least as effective as the federal, conduct inspections to enforce those standards (including inspections in response to workplace complaints), cover State and local government employees, and operate occupational safety and health training and education programs. In addition, all States provide on-site consultation to help employers to identify and correct workplace hazards. Such consultation may be provided either under the plan or through a special agreement under section 7(c)(1) of the Act. Federal OSHA does not conduct enforcement activities in the state plan States, except in very limited circumstances.

A listing of those States that operate approved State plans can be found on page 14, or call your local OSHA Area Office.

A comprehensive customer service poster listing OSHA services and how to contact agency Regional, Area, and District offices is available from OSHA's Publications Office, 200 Constitution Avenue, N.W. Washington D.C. 20210, Rm N3101. Telephone (202) 219-4667.



Free On-Site Consultation

Free on-site safety and health consultation services are available to employers in all states who want help in establishing and maintaining a safe and healthful workplace. This service is largely funded by OSHA. Primarily developed for smaller employers with more hazardous operations, the consultation service is delivered by state governments employing professional safety consultants and health consultants. Comprehensive assistance includes an appraisal of all mechanical systems, physical work practices, and environmental hazards of the workplace and all aspects of the employer's present job safety and health program.

This program is completely separate from OSHA's inspection efforts. No penalties are proposed or citations issued for any safety or health problems identified by the consultant. The service is confidential.

For more information concerning consultation services, see the list of state consultation projects on page 13.

Voluntary Protection Programs

Voluntary Protection programs (VPPs) and onsite consultation services, when coupled with an effective enforcement program, expand worker protecton to help meet the goals of the OSH Act. The three VPPs—Star, Merit, and Demonstration—are designed to recognize outstnding achievement by companies that have successfully incorporated comprehensive safety and health programs into their total management system. They motivate others to achieve excellent safety and health results in the same outstanding way, and they establish a cooperative relationship among employers, employees, and OSHA.

For additional information on VPPs and how to apply, contact the OSHA offices listed at the end of this publication.

Training and Education

OSHA's area offices offer a variety of informational services, such as publications, audiovisual aids, technical advice, and speakers for special events. OSHA's Training Institute in Des Plaines, IL, provides basic and advanced courses in safety and health for federal and state compliance officers, state consultants, federal agency personnel, and private sector employers, employees, and their representatives.

OSHA also provides funds to nonprofit organizations, through grants, to conduct workplace training and education in subjects where OSHA believes there is a lack of workplace training. Grants are awarded annually. Grant recipients are expected to contribute 20 percent of the total grant cost.

For more information on grants, training, and education, contact the OSHA Training Institute, Office of Training and Education, 1555 Times Drive, Des Plaines, IL 60018, (708) 297-4810.

For further information on any OSHA program, contact your nearest OSHA area or regional office listed at the end of this publication.

OSHA Area Office Services

OSHA Area Offices are prime sources of information, publications, and assistance in understanding the requirements of standards.

They can furnish:

1. *Job Safety and Health Protection* (the OSHA workplace poster),
2. The necessary forms for OSHA recordkeeping requirements,
3. Information on applying for variances,
4. Off-site advice on controlling various hazards,
5. Copies of various publications and fact sheets,
6 Safety and health complaint investigations,
7. Investigations of complaints alleging discrimination for exercising safety and health rights,
8. Speakers at public events on safety and health topics, and
9. Advice and consultation on maintaining and calibrating some monitoring measuring equipment.

In addition they can provide referral services regarding:

1. Free on-site consultation,
2. Grant recipients with projects, products, or services related to hazards,
3. Training and education delivery resources,
4. Other Federal agencies and their areas of jurisdiction,
5. Voluntary protection programs under which employers with exemplary programs and safety records can be exempted from routine OSHA inspections (not all States have implemented this program), and
6. The National Institute for Occupational Safety and Health for health hazard evaluations.

These offices may be contacted (see pages 13, 14) by phone, by mail, by Fax, or in person, without fear of initiating an inspection.

Additional Sources of Information

Safety Data Sheets, Guides and Manuals

AIHA Hygienic Guide Series. American Industrial Hygiene Association, 2700 Prosperity Ave., Fairfax, VA 22031. Separate data sheets on specific substances giving hygienic standards, properties, industrial hygiene practices, specific procedures, and references.

ANSI Standards, Z37 Series, Acceptable Concentrations of Toxic Dusts and Gases. American National Standards Institute, 11 West 42nd Street, New York, NY 10036. These guides represent a consensus of interested parties concerning minimum safety requirements for the storage, transportation, and handling toxic substances; they are intended to aid the manufacturers, the consumer, and the general public.

ASTM Standards with Related Material. American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

Standards and Specification Groups

American National Standards Institute, 11 West 42nd Street, New York, NY 10036, coordinates and administers the federated voluntary standardization system in the United States.

American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. World's largest source of voluntary consensus standards for materials, products, systems, and services.

Fire Protection Organizations

Factory Insurance Association, 85 Woodland Street, Hartford, CT 06105. Composed of capital stock insurance companies to provide engineering, inspections, and loss adjustment service to industry.

Factory Mutual System, 1151 Boston-Providence Turnpike, Norwood, MA 02062. An industrial fire protection, engineering, and inspection bureau established and maintained by mutual fire insurance companies.

National Fire Protection Association, 470 Batterymarch Park, Quincy, MA 02269. The clearinghouse for information on fire protection and fire prevention also writes NFPA standards. Nonprofit technical and educational organization.

Underwriter Laboratories, Inc., 207 East Ohio Street, Chicago, IL 60611. Not-for-profit organization whose laboratories publish annual lists of manufacturers whose products proved acceptable under appropriate standards.

Medical Consultation

Arrange for a local doctor to advise on workplace medical matters. Contact the local Red Cross chapter for assistance in first-aid training. If a local chapter cannot be located write:

American National Red Cross
National Headquarters Safety Programs
18th and E Streets, N.W.
Washington, D.C. 20006

References

Chemical Industries Association, Chemical Industry Safety and Health Council. *Recommended Procedures for Handling Major Emergencies.* Alembic House. 93 Albert Embarkment. London, SEIO 7TU, July 1976.

Krikorian, Michael. "Advanced Planning is the Key to Controlling Emergencies and Disasters in the Workplace." *Prof Safety:* 39-42, December 1977.

Lee, W.R. Sources of Consultation and Reference Aids. Section XI, in H.M. Key, A.F. Henschel, J.Butler, R.N. Ligo, I.R. Tabershaw, and L. Ede (Eds): *Occupational Diseases: A Guide to Their Recognition.* NIOSH Publication No. 77-181. Cincinnati, 1977. Pp. 523-556. Also available as Lee, W.R. Consultation and Reference Sources for Occupational Health. *J Occu Med* 17(7): 446-456, July 1975.

National Safety Council. *Accident Prevention Manual for Industrial Operations Administration and Programs.* 8th ed. Chicago, 1981. Pp. 439-471.

U.S. Department of Labor. Occupational Safety and Health Administration. *OSHA Handbook for Small Businesses.* OSHA 2209. Washington, DC, 1990.

_____. Occupational Safety and Health Administration. *Principal Emergency Response and Preparedness Requirements in OSHA Standards and Guidance for Safety and Health Programs.* OSHA 3122. Washington, DC, 1990.

U.S. Department of Health and Human Services. National Institute for Occupational Safety and Health, *Safety and Health Alert : Request for Assistance In Preventing Homicide In the Workplace.* U.S. Department of Health and Human Services, Cincinnati, Ohio, September 1993, Number 93-109.

_____. Public Health Service. National Institute for Occupational Safety and Health. *A Guide to Industrial Respiratory Protection.* NIOSH Publication No. 76-189. Cincinnati, 1976.

_____. *Criteria for a Recommended Standard...Working in Confined Spaces.* NIOSH Publication. No. 80-106. Cincinnati, 1980.

_____. *Respiratory Protection...An Employer's Manual.* NIOSH Publication No. 78-198A. Cincinnati, October 1978.

_____. *Self-Evaluation of Occupational Safety and Health Programs.* NIOSH Publication No. 78-187. Cincinnati, 1978.

APPENDIX I

OSHA/State Consultation Project Directory

State	Telephone
Alabama	(205) 348-3033
Alaska	(907) 269-4939
Arizona	(602) 542-5795
Arkansas	(501) 682-4522
California	(415) 703-4441
Colorado	(303) 491-6151
Connecticut	(203) 566-4550
Delaware	(302) 571-3908
District of Columbia	(202) 576-6339
Florida	(904) 488-3044
Georgia	(404) 894-8274
Guam	(671) 647-4202
Hawaii	(808) 586-9116
Idaho	(208) 385-3283
Illinois	(312) 814-2337
Indiana	(317) 232-2688
Iowa	(515) 281-5352
Kansas	(913) 296-4386
Kentucky	(502) 564-6895
Louisiana	(504) 342-9601
Maine	(207) 624-6460
Maryland	(410) 333-4218
Massachusetts	(617) 969-7177
Michigan	(517) 322-8250(H)
	(517) 322-1809(S)
Minnesota	(612) 296-5432
Mississippi	(601) 987-3981
Missouri	(314) 751-3403
Montana	(406) 444-6418
Nebraska	(402) 471-4717
Nevada	(702) 486-5016
New Hampshire	(603) 271-2024
New Jersey	(609) 292-3923
New Mexico	(505) 827-2877
New York	(518) 457-2481
North Carolina	(919) 733-2360
North Dakota	(701) 221-5188
Ohio	(614) 644-2631
Oklahoma	(405) 528-1500
Oregon	(503) 378-3272
Pennsylvania	(412) 357-2396
Puerto Rico	(809) 754-2171
Rhode Island	(401) 277-2438
South Carolina	(803) 734-9599
South Dakota	(605) 688-4101
Tennessee	(615) 741-7036
Texas	(512) 440-3834
Utah	(801) 530-6868
Vermont	(802) 828-2765
Virginia	(804) 786-8707
Virgin Islands	(809) 772-1315
Washington	(206) 956-5443
West Virginia	(304) 558-7890
Wisconsin	(608) 266-8579(H)
	(414) 521-5188(S)
Wyoming	(307) 777-7786

H - Health
S - Safety

APPENDIX II

OSHA Area Offices

State	City	Telephone
Alabama	Birmingham	205-731-1534
Alaska	Anchorage	907-271-5152
Arizona	Phoenix	602-640-2007
Arkansas	Little Rock	501-324-6291
California	San Francisco	415-744-7120
Colorado	Denver	303-844-5285
Connecticut	Hartford	203-240-3152
Florida	Fort Lauderdale	305-424-0242
	Jacksonville	904-232-2895
	Tampa	813-626-1177
Georgia	Savannah	912-652-4393
	Smyrna	404-984-8700
	Tucker	404-493-6644
Hawaii	Honolulu	808-541-2685
Idaho	Boise	208-334-1867
Illinois	Calumet City	708-891-3800
	Des Plaines	708-803-4800
	North Aurora	708-896-8700
	Peoria	309-671-7033
Indiana	Indianapolis	317-226-7290
Iowa	Des Moines	515-284-4794
Kansas	Wichita	316-269-6644
Kentucky	Frankfort	502-227-7024
Louisiana	Baton Rouge	504-389-0474
Maine	Augusta	207-622-8417
Maryland	Baltimore	410-962-2840
Massachusetts	Braintree	617-565-6924
	Methuen	617-565-8110
	Springfield	413-785-0123
Michigan	Lansing	517-377-1892
Minnesota	Minneapolis	612-348-1994
Mississippi	Jackson	601-965-4606
Missouri	Kansas City	816-426-2756
	St. Louis	314-425-4249
Montana	Billings	406-657-6649
Nebraska	Omaha	402-221-3182
Nevada	Carson City	702-885-6963
New Hampshire	Concord	603-225-1629
New Jersey	Avenel	908-750-3270
	Hasbrouck Heights	201-288-1700
	Marlton	609-757-5181
	Parsippany	201-263-1003

APPENDIX II (Continued)

State	City	Telephone
New Mexico ...	Albuquerque	505-766-3411
New York	Albany	518-464-6742
	Bayside	718-279-9060
	Bowmansville	716-684-3891
	New York	212-264-9840
New York	Syracuse	315-451-0808
	Tarrytown	914-682-6151
	Westbury	516-334-3344
North Carolina	Raleigh	919-856-4770
North Dakota ..	Bismarck	701-250-4521
Ohio	Cincinnati	513-841-4132
	Cleveland	216-522-3818
	Columbus	614-469-5582
	Toledo	419-259-7542
Oklahoma	Oklahoma City	405-231-5351
Oregon	Portland	503-326-2251
Pennsylvania ...	Allentown	215-776-0592
	Erie	814-833-5758
	Harrisburg	717-782-3902
	Philadelphia	215-597-4955
	Pittsburgh	412-644-2903
	Wilkes-Barre	717-826-6538
Puerto Rico	Hato Rey	809-766-5457
Rhode Island ...	Providence	401-528-4669
South Carolina	Columbia	803-765-5904
Tennessee	Nashville	615-781-5423
Texas	Austin	512-482-5783
	Corpus Christi	512-888-3257
	Fort Worth	817-885-7025
	Houston	713-286-0583
	Houston	713-591-2438
	Lubbock	806-743-7681
Utah	Salt Lake City	801-524-5080
Washington	Bellevue	206-553-7520
West Virginia ..	Charleston	304-347-5937
Wisconsin	Appleton	414-734-4521
	Madison	608-264-5388
	Milwaukee	414-297-3315

Appendix III

States with Approved Plans

Albany, NY	(518) 457-2741
Baltimore, MD	(410) 333-4179
Carson City, NV	(702) 687-3032
Cheyenne, WY	(307) 777-7786
Columbia, SC	(803) 734-9594
Des Moines, IA	(515) 281-3447
Frankfort, KY	(502) 564-3070
Hato Rey, PR	(809) 754-2119
Honolulu, HI	(808) 586-8844
Indianapolis, IN	(317) 232-2378
Juneau, AK	(907) 465-2700
Lansing, MI	(517) 335-8022
Lansing, MI	(517) 373-9600
Montpelier, VT	(802) 828-2288
Nashville, TN	(615) 741-2582
Olympia, WA	(206) 956-4200
Phoenix, AZ	(602) 542-5795
Raleigh, NC	(919) 662-4585
Richmond, VA	(804) 786-2377
Salem, OR	(503) 378-3272
Salt Lake City, UT	(801) 530-6880
San Francisco, CA	(415) 703-4590
Santa Fe, NM	(505) 827-2850
St. Croix, VI	(809) 773-1994
St. Paul, MN	(612) 296-2342
Wethersfield, CT	(203) 566-5123

NIOSH Office Addresses

National Institute for Occupational
Safety and Health HQ
Suite 1007
1600 Clifton Road, NE
Atlanta, GA 30323
(404) 639-3771

NIOSH Regional Representatives

Government Center
JFK Federal Building
Room 1401
Boston, MA 02203
(617) 223-3848

1961 Stout Street
Room 1185
Denver, CO 80294
(303) 844-6166

101 Marietta Towers
Suite 1007
Atlanta, GA 30323
(404) 331-2396

Regional Offices
U.S. Department of Labor
Occupational Safety and Health Administration

Region I
(CT,* MA, ME, NH, RI, VT*)
133 Portland Street
1st Floor
Boston, MA 02114
Telephone: (617) 565-7164

Region II
(NJ, NY,* PR,* VI*)
201 Varick Street
Room 670
New York, NY 10014
Telephone: (212) 337-2378

Region III
(DC, DE, MD,* PA, VA,* WV)
Gateway Building, Suite 2100
3535 Market Street
Philadelphia, PA 19104
Telephone: (215) 596-1201

Region IV
(AL, FL, GA, KY,* MS, NC,* SC,* TN*)
1375 Peachtree Street, N.E.
Suite 587
Atlanta, GA 30367
Telephone: (404) 347-3573

Region V
(IL, IN,* MI,* MN,* OH, WI)
230 South Dearborn Street
Room 3244
Chicago, IL 60604
Telephone: (312) 353-2220

Region VI
(AR, LA, NM,* OK, TX)
525 Griffin Street
Room 602
Dallas, TX 75202
Telephone: (214) 767-4731

Region VII
(IA,* KS, MO, NE)
1100 Main Street, Suite 800
Kansas City, MO 64105
Telephone: (816) 426-5861

Region VIII
(CO, MT, ND, SD, UT,* WY*)
Federal Building, Room 1576
1961 Stout Street
Denver, CO 80294
Telephone: (303) 844-3061

Region IX
(American Samoa, AZ,* CA,* Guam, HI,* NV,* Trust Territories of the Pacific)
71 Stevenson Street
Room 415
San Francisco, CA 94105
Telephone: (415) 744-6670

Region X
(AK,* ID, OR,* WA*)
1111 Third Avenue
Suite 715
Seattle, WA 98101-3212
Telephone: (206) 553-5930

*These states and territories operate their own OSHA-approved job safety and health plans (Connecticut and New York plans cover public employees only). States with approved plans must have a standard that is identical to, or at least as effective as, the federal standard.

*U.S. G.P.O. 1995:068-394